

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE

MCS MUSIC AMERICA, INC.;
CONEXION MEDIA GROUP, PLC,
d/b/a SU-MA PUBLISHING
COMPANY; MARK FARNER d/b/a
CRAM RENRAFF COMPANY;
CHARLIE BLACK d/b/a SONGS IN
BLACK INK; R GANT MUSIC
GROUP, INCORPORATED, d/b/a
HELLO DARLIN' MUSIC;
CHARLES LLOYD, Individually,
and d/b/a FOREST FARM MUSIC;
DARIUS BROOKS d/b/a FROM D's
PEN; HAPPY SACK MUSIC, LTD.,
d/b/a VISA MUSIC; JOE HILL
MUSIC, LLC, d/b/a JOE HILL
MUSIC; LAURENCE WEISS d/b/a
RHINESTONE COWBOY MUSIC
CO.; JOHN MCCUTCHEON,
Individually, and d/b/a
APPALSONGS and APPALSEED
PRODUCTIONS; DYYOR, INC.,
d/b/a Seven Centers Publishing; and
DAVID HOFFNER d/b/a FIELDS
OF AUTUMN PUBLISHING;

Plaintiffs,

v.

YAHOO!, INC., a Delaware
corporation; REALNETWORKS,
INC., a Washington corporation; and
MICROSOFT CORPORATION, a
Washington corporation.

Defendants.

CASE NO.: 3:09-0597

Judge Todd J. Campbell
Magistrate Judge E. Clifton Knowles

**FIRST AMENDED COMPLAINT
FOR COPYRIGHT
INFRINGEMENT**

JURY DEMAND

COME NOW the Plaintiffs, by and through counsel, and for complaint against Defendants Yahoo!, Inc. (hereinafter referred to as “Yahoo!”), RealNetworks, Inc. (hereinafter referred to as “RealNetworks”), and Microsoft Corporation (hereinafter referred to as “Microsoft”) would state and allege as follows:

A. INTRODUCTION

1. This Complaint is filed and these proceedings are instituted under the United States Copyright Act, 17 U.S.C. § 101 *et seq.* for copyright infringement and injunctive relief and to recover, at Plaintiffs’ election, either actual or statutory damages, plus discretionary costs, reasonable attorney’s fees and costs for Defendant’s violations of the Act.

B. JURISDICTION & VENUE

2. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1331 and 1338(a). Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b) and (c) and 1400(a). Further, at all times relevant herein, Defendants have targeted business efforts into the State of Tennessee and has entered into multiple subscription agreements for Defendants’ subscription music services with residents and citizens of the State of Tennessee, thus further making this District the proper venue.

C. PARTIES

3. Plaintiff MCS Music America, Inc. (hereinafter “MCS”) is a California corporation with its principal place of business in Nashville, Tennessee. MCS is a copyright administration company that administers approximately forty-five thousand (45,000) copyrights, and is the current or previous exclusive copyright and licensing administrator for each named Plaintiff, with the exception of Plaintiff John McCutcheon.

4. Plaintiff Conexion Media Group, plc d/b/a Su-Ma Publishing Company is a corporation organized under the laws of the United Kingdom with its principal place of business in London, England. Conexion Media Group, plc is the parent of MCS Music America, Inc.

5. Plaintiff Mark Farner, Individually and d/b/a Cram Renraff Company is a citizen and resident of Michigan.

6. Plaintiff Charlie Black, an individual d/b/a Songs In Black Ink is a citizen and resident of Florida.

7. Plaintiff R Gant Music Group, Incorporated, d/b/a Hello Darlin’ Music is a Tennessee corporation.

8. Plaintiff Charles Lloyd, Individually and d/b/a Forest Farm Music is a citizen and resident of California.

9. Plaintiff Darius Brooks, an individual d/b/a From D's Pen is a citizen and resident of Illinois.

10. Plaintiff Happy Sack Music Ltd., d/b/a Visa Music, is a corporation organized under the laws of Canada, with its principal place of business in Toronto, Ontario, Canada.

11. Plaintiff Joe Hill Music, LLC, d/b/a Joe Hill Music is a North Carolina limited liability company.

12. Plaintiff Laurence Weiss, an individual d/b/a Rhinestone Cowboy Music Co., is a citizen and resident of Tennessee.

13. Plaintiff John McCutcheon, Individually and d/b/a Appalsongs and Appalseed Productions, is a citizen and resident of Georgia.

14. Plaintiff Dyyor, Inc., d/b/a Seven Centers Publishing is a California corporation.

15. Plaintiff David Hoffner, an individual d/b/a Fields of Autumn Publishing, is a citizen and resident of Tennessee.

16. Upon information and belief Defendant Yahoo!, Inc., is a Delaware corporation with its principal place of business in California.

17. Upon information and belief, Defendant RealNetworks, Inc., is a Washington corporation with its principal place of business in Washington.

18. Upon information and belief, Defendant Microsoft Corporation is a Washington corporation with its principal place of business in Washington.

D. FACTUAL ALLEGATIONS

19. Defendants each operate and/or have previously operated internet music subscription and non-subscription services located on the World Wide Web at www.yahoo.com/music, which is owned and operated by Defendant Yahoo! (hereinafter the “Yahoo! Music Service”); www.rhapsody.com, which is owned and operated by Defendant RealNetworks (hereinafter the “Rhapsody Music Service”); and www.zune.com, which is owned and operated by Defendant Microsoft (hereinafter the “Zune Music Service”).

20. Defendants’ services each, in part, allow/allowed consumers to selectively listen to the entire sound recording of a user-selected musical work via “On-Demand Streams”, said term being generally defined as on demand real time digital transmissions of sound recordings using so-called streaming technology.

21. Defendants’ services each, also in part, allow/allowed consumers, either during a free trial period or upon payment of a monthly fee to Defendants, the ability to download an unlimited number of sound recordings of musical works from

Defendants' computer server(s) via "Limited Downloads" (aka "Tethered Download" or "Conditional Downloads"), said term being generally defined as the making and distribution of sound recordings by digital transmission to local storage devices (e.g., the hard drive of a user's computer or portable devices) via time limited or use limited downloads.

22.Said Limited Downloads remain on the consumer's computer hard drive as long as the free trial period is in effect or the subscriber pays/paid to Defendants the monthly subscription fee.

23.In order to transmit, perform, reproduce and deliver any sound recording of any musical work via "On-Demand Streams" or "Limited Downloads", Defendants must first obtain not only the rights for the sound recording itself, but also the rights for the underlying musical composition which is embodied on said sound recording.

24.Plaintiff MCS Music America, Inc., while not owning any of the copyrighted works at issue herein, is the current or previous exclusive copyright and licensing administrator for each named Plaintiff, with the exception of Plaintiff John McCutcheon, and, as exclusive licensing agent for a percentage of income, has a beneficial interest in the outcome of this litigation.

25.Plaintiff Conexion Media Group, plc, d/b/a Su-Ma Publishing Company (hereinafter “CMG”) is the sole legal or beneficial owner of the following musical work(s) (Copyright Registration No. following title):

i. “Oh To Be Kept By Jesus” – EP 306271

26.CMG is the exclusive holder of all rights granted by 17 U.S.C. § 106 in and to the musical work referenced in Paragraph 25 hereof.

27.The musical work(s) referenced in Paragraph 25 hereof has been registered with the United States Copyright Office.

28.Upon information and belief, without CMG’s authorization or permission, Yahoo! has copied, displayed, performed and distributed to the public, via its “On-Demand Streams” and “Limited Downloads” through the Yahoo! Music Service referenced above, the following sound recordings (as listed on the Yahoo! Music Service) embodying CMG’s copyrighted musical work referenced in Paragraph 25 hereof:

<u>Track</u>	<u>Artist</u>	<u>Album</u>
Oh To Be Kept By Jesus	Aretha Franklin	Only A Look
Oh To Be Kept By Jesus	Gene Viale	A Light To This World
Oh To Be Kept By Jesus	Rev. James Cleveland	Treasures... The Golden Years Of The ‘King’

Oh To Be Kept By Jesus	Rev. James Cleveland	Tribute To The King Vol.2
Oh To Be Kept By Jesus	Reverend James Cleveland	We Remember... The King

29. Upon information and belief, without CMG's authorization or permission, RealNetworks has copied, displayed, performed and distributed to the public, via its "On-Demand Streams" and "Limited Downloads" through the Rhapsody Music Service referenced above, the following sound recordings (as listed on the Rhapsody Music Service) embodying CMG's copyrighted musical work referenced in Paragraph 25 hereof:

<u>Track</u>	<u>Artist</u>	<u>Album</u>
Oh To Be Kept By Jesus	Gene Viale	A Light To This World
Oh To Be Kept By Jesus	Rev. James Cleveland	This Is Gospel Volume 26: Rev. James Cleveland- A Tribut...
Oh To Be Kept By Jesus	Rev. James Cleveland	Treasures... The Golden Years Of The "King
Oh To Be Kept By Jesus	Rev. James Cleveland	Tribute To The King Vol. 2
Oh To Be Kept By Jesus	Reverend James Cleveland	We Remember... The King

30. Upon information and belief, without CMG's authorization or permission, Microsoft has copied, displayed, performed and distributed to the public,

via its “On-Demand Streams” and “Limited Downloads” through the Zune Music Service referenced above, the following sound recordings (as listed on the Zune Music Service) embodying CMG’s copyrighted musical work referenced in Paragraph 25 hereof:

<u>Track</u>	<u>Artist</u>	<u>Album</u>
Oh To Be Kept By Jesus	Gene Viale	A Light To This World
Oh To Be Kept By Jesus	New Bethel Baptist Church Choir	Only A Look
Oh To Be Kept By Jesus	Rev. James Cleveland	Giving Thanks: Every Day Is A Day Of Thanksgiving
Oh To Be Kept By Jesus	Rev. James Cleveland ,Vol.2	Tribute To The King
Oh To Be Kept By Jesus	Reverend James Cleveland	We Remember... The King

31. Plaintiff Mark Farner, Individually and d/b/a Cram Renraff Company (hereinafter “Farner”) is the sole legal or beneficial owner of the following musical work(s) (Copyright Registration No. following title):

- i. “Ain’t Gonna Be Their Fool No More” (aka Creepin’) – EU
418974
- ii. “Borderline” – PAU 512-380
- iii. “Destitute & Losin’” – PA 1-013-477

- iv. “Don’t Lie To Me” – PAU 437-783
- v. “El Salvador” – PAU 437-781
- vi. “Greed of Man (Tell Me)” – PA 119-377
- vii. “Innocent” – PAU 512-379
- viii. “Stuck In The Middle” – PA 119-378

32.Farner is the exclusive holder of all rights granted by 17 U.S.C. § 106 in and to the musical works referenced in Paragraph 31 hereof.

33.The musical works referenced in Paragraph 31 hereof has been registered with the United States Copyright Office.

34.Upon information and belief, without Farner’s authorization or permission, Yahoo! has copied, displayed, performed and distributed to the public, via its “On-Demand Streams” and “Limited Downloads” through the Yahoo! Music Service referenced above, the following sound recordings (as listed on the Yahoo! Music Service) embodying Farner’s copyrighted musical work referenced in Paragraph 31 hereof:

<u>Track</u>	<u>Artist</u>	<u>Album</u>
Borderline	Grand Funk Railroad	What’s Funk
Creepin’	Grand Funk Railroad	30 Years of Funk: 1969-1999
Creepin’	Grand Funk Railroad	We’re An American Band

Destitute & Losin'	Grand Funk Railroad	Shinin' On
Destitute & Losin' 1969- (Previously Unreleased)	Grand Funk	30 Years of Funk: 1999
Don't Lie To Me	Grand Funk Railroad	What's Funk
El Salvador	Grand Funk Railroad	What's Funk
Greed of Man	Grand Funk Railroad	Grand Funk Lives
Innocent	Grand Funk Railroad	What's Funk
Stuck In The Middle	Grand Funk Railroad	Grand Funk Lives

35. Upon information and belief, without Farner's authorization or permission, RealNetworks has copied, displayed, performed and distributed to the public, via its "On-Demand Streams" and "Limited Downloads" through the Rhapsody Music Service referenced above, the following sound recordings (as listed on the Rhapsody Music Service) embodying Farner's copyrighted musical work referenced in Paragraph 31 hereof:

<u>Track</u>	<u>Artist</u>	<u>Album</u>
Borderline	Grand Funk Railroad	What's Funk
Creepin'	Grand Funk	30 Years of Funk: 1969-1999 (Box Set)
Destitute & Losin'	Grand Funk	30 Years of Funk: 1969-1999 (Box Set)

Destitute And Losin' - (B Side)	Grand Funk Railroad	Shining On
Don't Lie To Me	Grand Funk Railroad	What's Funk
El Salvador	Grand Funk Railroad	What's Funk
Greed of Man	Grand Funk Railroad	Grand Funk Lives
Innocent	Grand Funk Railroad	What's Funk
Stuck In The Middle	Grand Funk Railroad	Grand Funk Lives

36. Upon information and belief, without Farner's authorization or permission, Microsoft has copied, displayed, performed and distributed to the public, via its "On-Demand Streams" and "Limited Downloads" through the Zune Music Service referenced above, the following sound recordings (as listed on the Zune Music Service) embodying Farner's copyrighted musical work referenced in Paragraph 31 hereof:

<u>Track</u>	<u>Artist</u>	<u>Album</u>
Borderline	Grand Funk Railroad	What's Funk
Creepin'	Grand Funk Railroad	30 Years of Funk: 1969-1999 The Anthology
Destitute & Losin' (Previously Unreleased)	Grand Funk	30 Years of Funk: 1969-1999 The Anthology
Destitute And Losin'	Grand Funk Railroad	Shinin' On
Don't Lie To Me	Grand Funk Railroad	What's Funk

El Salvador	Grand Funk Railroad	What's Funk
Greed of Man	Grand Funk Railroad	Grand Funk Lives
Innocent	Grand Funk Railroad	What's Funk
Stuck In The Middle	Grand Funk Railroad	Grand Funk Lives

37.Plaintiff Charlie Black, an individual and d/b/a Songs In Black Ink (hereinafter referred to as “Black”) is the joint legal or beneficial owner of the following musical work(s) (Copyright Registration No. following title):

- i. “Man With A Memory – Woman With A Past” – PAU 2-176-266

38.Black, along with his joint owner, is the exclusive holder of all rights granted by 17 U.S.C. § 106 in and to the musical work referenced in Paragraph 37 hereof.

39.The musical work referenced in Paragraph 37 hereof has been registered with the United States Copyright Office.

40.Upon information and belief, without Black’s authorization or permission, Yahoo! has copied, displayed, performed and distributed to the public, via its “On-Demand Streams” and “Limited Downloads” through the Yahoo! Music Service referenced above, the following sound recordings (as listed on the Yahoo! Music Service) embodying Black’s copyrighted musical work referenced in Paragraph 37 hereof:

<u>Track</u>	<u>Artist</u>	<u>Album</u>
Man With A Memory	Joe Nichols	Man With A Memory

41. Upon information and belief, without Black's authorization or permission, RealNetworks has copied, displayed, performed and distributed to the public, via its "On-Demand Streams" and "Limited Downloads" through the Rhapsody Music Service referenced above, the following sound recordings (as listed on the Rhapsody Music Service) embodying Black's copyrighted musical work referenced in Paragraph 37 hereof:

<u>Track</u>	<u>Artist</u>	<u>Album</u>
Man With A Memory	Joe Nichols	Man With A Memory

42. Upon information and belief, without Black's authorization or permission, Microsoft has copied, displayed, performed and distributed to the public, via its "On-Demand Streams" and "Limited Downloads" through the Zune Music Service referenced above, the following sound recordings (as listed on the Zune Music service) embodying Black's copyrighted musical work referenced in Paragraph 37 hereof:

<u>Track</u>	<u>Artist</u>	<u>Album</u>
Man With A Memory	Joe Nichols	Man With A Memory

43. Plaintiff R Gant Music Group Incorporated, d/b/a Hello Darlin' Music (hereinafter "Gant") is the sole legal or beneficial owner of the following musical work(s) (Copyright Registration No. following title):

- i. “Fifteen Years Ago” – EU 142111 / EP 285705
- ii. “Fifteen Years Going Up (And One Night Coming Down)” – PA 216-276
- iii. “When She Cries” (aka She Needs Someone To Hold Her When She Cries) – EP 304-925

44. Gant is the exclusive holder of all rights granted by 17 U.S.C. § 106 in and to the musical works referenced in Paragraph 43 hereof.

45. The musical works referenced in Paragraph 43 hereof has been registered with the United States Copyright Office.

46. Upon information and belief, without Gant’s authorization or permission, Yahoo! has copied, displayed, performed and distributed to the public, via its “On-Demand Streams” and “Limited Downloads” through the Yahoo! Music Service referenced above, the following sound recordings (as listed on the Yahoo! Music Service) embodying Gant’s copyrighted musical work referenced in Paragraph 43 hereof:

<u>Track</u>	<u>Artist</u>	<u>Album</u>
Fifteen Years Ago	Conway Twitty	Gold
Fifteen Years Ago	The Statler Brothers	Bed of Roses
Fifteen Years Ago	Conway Twitty	The Conway Twitty Collection
Fifteen Years Ago	Daryle Singletary	Straight From The Heart

Fifteen Years Ago	Conway Twitty	16 Biggest Hits
Fifteen Years Ago	Conway Twitty	The #1 Hits Collection
Fifteen Years Ago	Conway Twitty	Super Hits
Fifteen Years Ago	Conway Twitty	20th Century Masters: The Millennium Collection: Best Of Conway Twitty, Volume 2
Fifteen Years Going Up (And One Night Coming Down)	George Strait	Chronicles
She Nees Someone To Hold Her	Conway Twitty	16 Biggest Hits
She Needs Someone To Hold Her (When She Cries)	Conway Twitty	Gold
She Needs Someone To Hold Her When She Cries	Conway Twitty	Greatest Hits, Vol. II
She Needs Someone To Hold Her (When She Cries)	Conway Twitty	The #1 Hits Collection
She Needs Someone To Hold Her (When She Cries)	Conway Twitty	Sings Songs Of Love
She Needs Someone To Hold Her When She Cries	Conway Twitty	Super Hits
She Needs Someone To Hold Her (When She Cries)	Conway Twitty	The Conway Twitty Collection

47. Upon information and belief, without Gant's authorization or permission, RealNetworks has copied, displayed, performed and distributed to the public, via its "On-Demand Streams" and "Limited Downloads" through the Rhapsody Music Service referenced above, the following sound recordings (as listed on the Rhapsody Music Service) embodying Gant's copyrighted musical work referenced in Paragraph 43 hereof:

<u>Track</u>	<u>Artist</u>	<u>Album</u>
Fifteen Years Ago (Single Version)	Conway Twitty	Gold
Fifteen Years Ago	The Statler Brothers	Bed of Roses
Fifteen Years Ago	Daryle Singletary	Straight From The Heart
Fifteen Years Ago	Conway Twitty	16 Biggest Hits
Fifteen Years Ago	Conway Twitty	The #1 Hits Collection
Fifteen Years Ago	Conway Twitty	Super Hits
Fifteen Years Ago	Conway Twitty	The Very Best Of...
Fifteen Years Ago	Conway Twitty	Final Recordings Of His Greatest Hits -...
Fifteen Years Ago	Conway Twitty	Conway Twitty Classic Country Songs
Fifteen Years Going Up (And One Night Coming Down)	George Strait	Chronicles

She Needs Someone To Hold Her (Single Version)	Conway Twitty	Gold
She Needs Someone To Hold Her (When She Cries)	Conway Twitty	Greatest Hits Vol. 2
She Needs Someone To Hold Her When She Cries	Conway Twitty	Final Recordings Of His Greatest Hits -...
She Needs Someone To Hold Her (When She Cries)	Conway Twitty	The #1s Collection
She Needs Someone To Hold Her (When She Cries)	Conway Twitty	The Very Best Of...
She Needs Someone To Hold Her When She Cries	Conway Twitty	16 Biggest Hits
She Needs Someone To Hold Her (When She Cries)	Conway Twitty	Hello Darlin': 15 #1 Hits
She Needs Someone To Hold Her (When She Cries)	Conway Twitty	20 Greatest Hits (Intersound)
She Needs Someone To Hold Her When She Cries	Conway Twitty	The Conway Twitty Collection (Box Set)
She Needs Someone To Hold Her (When She Cries)	Conway Twitty	Super Hits
She Needs Someone To Hold Her (When She Cries)	Conway Twitty	Sings Songs Of Love

48. Upon information and belief, without Gant's authorization or permission, Microsoft has copied, displayed, performed and distributed to the public, via its "On-Demand Streams" and "Limited Downloads" through the Zune Music

Service referenced above, the following sound recordings (as listed on the Zune Music Service) embodying Gant's copyrighted musical work referenced in Paragraph 43 hereof:

<u>Track</u>	<u>Artist</u>	<u>Album</u>
Fifteen Years Ago	Conway Twitty	Gold
Fifteen Years Ago	The Statler Brothers	Bed of Rose's
Fifteen Years Ago	Conway Twitty	The Conway Twitty Collection
Fifteen Years Ago	Conway Twitty	16 Biggest Hits
Fifteen Years Ago	Conway Twitty	The #1 Hits Collection
Fifteen Years Ago	Conway Twitty	Super Hits
Fifteen Years Ago	Conway Twitty	20th Century Masters -The Millennium Collection: Best Of Co
Fifteen Years Ago	Conway Twitty	Hello Darlin': 15 #1 Hits
Fifteen Years Ago	Conway Twitty	The Very Best Of...
Fifteen Years Going Up (And One Night Coming Down)	George Strait	Chronicles
She Needs Someone To Hold Her (When She Cries)	Conway Twitty	Gold
She Needs Someone To Hold Her When She Cries	Conway Twitty	Greatest Hits Vol. 2

She Needs Someone To Hold Her (When She Cries)	Conway Twitty	The #1 Hits Collection
She Needs Someone To Hold Her (When She Cries)	Conway Twitty	Sings Songs Of Love
She Needs Someone To Hold Her When She Cries	Conway Twitty	Super Hits
She Needs Someone To Hold Her (When She Cries)	Conway Twitty	The Conway Twitty Collection
She Needs Someone To Hold Her (When She Cries)	Conway Twitty	The Very Best Of...
She Needs Someone To Hold Her When She Cries	Conway Twitty	16 Biggest Hits
She Needs Someone To Hold Her (When She Cries)	Conway Twitty	Hello Darlin': 15 #1 Hits

49. Plaintiff Charles Lloyd, Individually and d/b/a Forest Farm Music (hereinafter "Lloyd"), is the sole legal or beneficial owner of the following musical work(s) (Copyright Registration No. following title):

- i. "A Different Journey" – EU 775710 / RE 563-316
- ii. "Autumn Prelude and Autumn Echo (from the suite "Autumn Sequence")" – PAU 298-714
- iii. "Bird Flight" – EU 51966 / RE 741-257
- iv. "Blues For O.T." – EU 842694
- v. "Dervish Dance (from "Dream Weaver")" – PAU 298-709

- vi. “European Fantasy” – PA 103-582
- vii. “Forest Flower” – EU 842694 / PA 105-705
- viii. “Goin’ To Memphis” – PAU 298-710
- ix. “Hej Da” – PA 103-583
- x. “Island Blues” – EU 775704 / RE 563310
- xi. “Journey Within” – PA 103-584
- xii. “Karma” – PA 103-580
- xiii. “Little Anahid’s Day” aka “Temple Bells” – PA 103-577
- xiv. “Lonesome Child” – EU 775702 / RE 563308
- xv. “Love Ship” aka “Dwija” – EU 51973 / RE 741260
- xvi. “Love Song To A Baby” – EU 842694
- xvii. “Love-In” aka “Long Time Baby” – PA 103-578
- xviii. “Mallet Dance” – EU 842694
- xix. “Manhattan Carousel” – PA 103-581
- xx. “Meditation” – EU 51961 / RE 741255
- xxi. “Memphis Dues Again” – PA 103-579
- xxii. “Memphis Green” – PA 103-586
- xxiii. “Passin’ Thru” – EU 775703 / RE 563309
- xxiv. “Pre-Dawn” – PA 105-704

- xxv. “Sombrero Sam” – EU 955550 / RE 668230
- xxvi. “Sun Yen Yen” – EU 775705 / RE 563311
- xxvii. “Sweet Georgia Bright” – EU 842694
- xxviii. “Tagore” – EU 51972 / RE 741-259
- xxix. “The Vulture” – EU 775706 / RE 563312
- xxx. “Tribal Dance” – PA 103-576
- xxxi. “Voice In The Night” – EU 775707 / RE 563313

50.Lloyd is the exclusive holder of all rights granted by 17 U.S.C. § 106 in and to the musical works referenced in Paragraph 49 hereof.

51.The musical works referenced in Paragraph 49 hereof have been registered with the United States Copyright Office.

52.Upon information and belief, without Lloyd’s authorization or permission, Yahoo! has copied, displayed, performed and distributed to the public, via its “On-Demand Streams” and “Limited Downloads” through the Yahoo! Music Service referenced above, the following sound recordings (as listed on the Yahoo! Music Service) embodying Lloyd’s copyrighted musical work referenced in Paragraph 49 hereof:

<u>Track</u>	<u>Artist</u>	<u>Album</u>
A Different Journey	Chico Hamilton	A Different Kind Of Journey

Autumn Sequence	Charles Lloyd	Dream Weaver
Bird Flight	Charles Lloyd	Dream Weaver
Blues for O.T.	Chico Hamilton	Man From Two Worlds
Dream Weaver: Meditation, Dervish Dance	Charles Lloyd	Dream Weaver
European Fantasy	Charles Lloyd	Charles Lloyd in Europe
Forest Flower	Burt Conrad All Stars	Forward Looking Backwards Radio Edits
Forest Flower - Sunrise	Charles Lloyd	Forest Flower: Charles Lloyd At Monterey
Forest Flower - Sunrise (Live At Monterey)	Various Artists	Atlantic Jazz: Introspection
Forest Flower - Sunset	Charles Lloyd	Forest Flower: Charles Lloyd At Monterey
Forest Flower '69	Charles Lloyd	Soundtrack
Forest Flower-Sunrise	Various Artist	NEA Jazz Masters
Goin' To Memphis/Island Blues	Charles Lloyd	The Flowering
Hej Da!	Charles Lloyd	Charles Lloyd in Europe
Island Blues	Chico Hamilton	A Different Kind Of Journey
Journey Within	Charles Lloyd	Journey Within

Karma	Charles Lloyd	Charles Lloyd In Europe
Lonesome Child	Chico Hamilton	Man From Two Worlds
Lonesome Child: Song/Dance	Charles Lloyd	Journey Within
Love In (Live Version)	Charles Lloyd	Love-In
Love Ship	Charles Lloyd	Dream Weaver
Love Song To A Baby	Charles Lloyd	Charles Lloyd In The Soviet Union
Love Song To A Baby	Chico Hamilton	Man From Two Worlds
Love-In/Island Blues	Charles Lloyd	The Flowering
Mallet Dance	Chico Hamilton	Man From Two Worlds
Manhattan Carousel	Charles Lloyd	Charles Lloyd In Europe
Memphis Dues Again/Island Blues (Live Version)	Charles Lloyd	Love-In
Memphis Green	Charles Lloyd	Journey Within
Passin' Thru	Chico Hamilton	Man From Two Worlds
Pre-Dawn	Charles Lloyd	Soundtrack
Sombrero Sam	Charles Lloyd	Dream Weaver
Sombrero Sam	Charles Lloyd	Soundtrack
Sun Yen Sen	Chico Hamilton	Transfusion
Sun Yen Yen	Chico Hamilton	A Different Kind Of Journey

Sweet Georgia Bright	Charles Lloyd	Charles Lloyd In The Soviet Union
Tagore	Charles Lloyd	Charles Lloyd in Europe
Temple Bells (Live Version)	Charles Lloyd	Love-In
The Vulture	Chico Hamilton	A Different Kind Of Journey
Tribal Dance	Charles Lloyd	Charles Lloyd In The Soviet Union
Tribal Dance (Live Version)	Charles Lloyd	Love-In
Voice In The Night	Charles Lloyd	Soundtrack
Voice In The Night	Chico Hamilton	A Different Kind Of Journey

53. Upon information and belief, without Lloyd's authorization or permission, RealNetworks has copied, displayed, performed and distributed to the public, via its "On-Demand Streams" and "Limited Downloads" through the Rhapsody Music Service referenced above, the following sound recordings (as listed on the Rhapsody Music Service) embodying Lloyd's copyrighted musical work referenced in Paragraph 49 hereof:

<u>Track</u>	<u>Artist</u>	<u>Album</u>
A Different Journey	Chico Hamilton	A Different Journey (EP)
A Voice In The Night	Chico Hamilton	A Different Journey (EP)

Blues for O.T.	Chico Hamilton	Man From Two Worlds
Forest Flower	Burt Conrad All Stars	Forward Looking Backwards
Forest Flower	Burt Conrad All Stars	Forward Looking Backwards Radio Edits
Forest Flower	Chico Hamilton	The House That Trane Built: The Story of Impulse Records
Forest Flower	Nate Morgan, Jeff Littleton, Fritz Wise	Live In Santa Barbara (EP)
Forest Flower	Russell Schmidt	Season of Change
Forest Flower – Sunrise (Live@Monterey)	Charles Lloyd	Atlantic 60th: Jazz Cool, Jazz Hot
Forest Flower – Sunrise (Live@Monterey)	Charles Lloyd	Atlantic Top 60: Jazz, Jive and Strut
Forest Flower Sunrise	Charles Lloyd	Atlantic Jazz: Introspection
Forest Flower Sunrise	Chico Hamilton	NEA Jazz Masters
Forest Flower: Sunrise / Sunset	Chico Hamilton	Man From Two Worlds
Island Blues	Cannonball Adderley	Fiddler On The Roof
Island Blues	Chico Hamilton	A Different Journey (EP)
Lonesome Child	Chico Hamilton	Man From Two Worlds
Mallet Dance	Chico Hamilton	Man From Two Worlds

Passin' Thru	Chico Hamilton	Man From Two Worlds
Sun Yen Sen	Chico Hamilton	A Different Journey (EP)
The Vulture	Chico Hamilton	A Different Journey (EP)

54. Upon information and belief, without Lloyd's authorization or permission, Microsoft has copied, displayed, performed and distributed to the public, via its "On-Demand Streams" and "Limited Downloads" through the Zune Music Service referenced above, the following sound recordings (as listed on the Zune Music Service) embodying Lloyd's copyrighted musical work referenced in Paragraph 49 hereof:

<u>Track</u>	<u>Artist</u>	<u>Album</u>
A Different Journey	Chico Hamilton	A Different Kind Of Journey
Autumn Sequence	Charles Lloyd	Dream Weaver
Bird Flight	Charles Lloyd	Dream Weaver
Blues for O.T.	Chico Hamilton	Man From Two Worlds
Dream Weaver: Meditation, Dervish Dance	Charles Lloyd	Dream Weaver
European Fantasy	Charles Lloyd	Charles Lloyd in Europe
Forest Flower	Burt Conrad All Stars	Forward Looking Backwards Radio Edits

Forest Flower - Sunrise (Live At Monterey)	Various Artists	Atlantic Jazz: Introspection
Forest Flower '69	Charles Lloyd	Soundtrack
Forest Flower: Sunrise/Sunset	Chico Hamilton	Man From Two Worlds
Forest Flower-Sunrise	Various Artist	NEA Jazz Masters
Goin' To Memphis/Island Blues	Charles Lloyd	The Flowering
Hej Da!	Charles Lloyd	Charles Lloyd in Europe
Island Blues	Cannonball Adderley	Fiddler On The Roof: Selections From The Hit Broadway Show
Island Blues	Chico Hamilton	A Different Kind Of Journey
Journey Within	Charles Lloyd	Journey Within
Karma	Charles Lloyd	Charles Lloyd In Europe
Lonesome Child	Chico Hamilton	Man From Two Worlds
Lonesome Child: Song/Dance	Charles Lloyd	Journey Within
Love In (Live Version)	Charles Lloyd	Love-In
Love Ship	Charles Lloyd	Dream Weaver
Love Song To A Baby	Charles Lloyd	Charles Lloyd In The Soviet Union
Love Song To A Baby	Chico Hamilton	Man From Two Worlds

Love-In/Island Blues	Charles Lloyd	The Flowering
Mallet Dance	Chico Hamilton	Man From Two Worlds
Manhattan Carousel	Charles Lloyd	Charles Lloyd In Europe
Memphis Dues Again/Island Blues	Charles Lloyd	Love-In
Memphis Green	Charles Lloyd	Journey Within
Passin' Thru	Chico Hamilton	Man From Two Worlds
Pre-Dawn	Charles Lloyd	Soundtrack
Sombrero Sam	Charles Lloyd	Dream Weaver
Sombrero Sam	Charles Lloyd	Soundtrack
Sun Yen Yen	Chico Hamilton	A Different Kind Of Journey
Sweet Georgia Bright	Charles Lloyd	Charles Lloyd In The Soviet Union
Tagore	Charles Lloyd	Charles Lloyd in Europe
Temple Bells (Live Version)	Charles Lloyd	Love-In
The Vulture	Chico Hamilton	A Different Kind Of Journey
Tribal Dance	Charles Lloyd	Charles Lloyd In The Soviet Union
Tribal Dance (Live Version)	Charles Lloyd	Love-In
Voice In The Night	Charles Lloyd	Soundtrack

Voice In The Night

Chico Hamilton

A Different Kind Of
Journey

55.Plaintiff Darius Brooks, an individual d/b/a From D's Pen Music (hereinafter "Brooks") is the sole legal or beneficial owner of the following musical work(s) (Copyright Registration No. following title):

i. "Your Will" – PA 1-202-948

56.Brooks is the exclusive holder of all rights granted by 17 U.S.C. § 106 in and to the musical work referenced in Paragraph 55 hereof.

57.The musical work referenced in Paragraph 55 hereof has been registered with the United States Copyright Office.

58.Upon information and belief, without Brooks' authorization or permission, Yahoo! has copied, displayed, performed and distributed to the public, via its "On-Demand Streams" and "Limited Downloads" through the Yahoo! Music Service referenced above, the following sound recordings (as listed on the Yahoo! Music Service) embodying Brooks' copyrighted musical work referenced in Paragraph 55 hereof:

Track

Your Will

Artist

Darius Brooks

Album

Your Will

59.Upon information and belief, without Brooks' authorization or permission, RealNetworks has copied, displayed, performed and distributed to the

public, via its “On-Demand Streams” and “Limited Downloads” through the Rhapsody Music Service referenced above, the following sound recordings (as listed on the Rhapsody Music Service) embodying Brooks’ copyrighted musical work referenced in Paragraph 55 hereof:

<u>Track</u>	<u>Artist</u>	<u>Album</u>
Your Will	Darius Brooks	Your Will

60. Upon information and belief, without Brooks’ authorization or permission, Microsoft has copied, displayed, performed and distributed to the public, via its “On-Demand Streams” and “Limited Downloads” through the Zune Music Service referenced above, the following sound recordings (as listed on the Zune Music service) embodying Brooks’ copyrighted musical work referenced in Paragraph 55 hereof:

<u>Track</u>	<u>Artist</u>	<u>Album</u>
Your Will	Darius Brooks	Your Will

61. Plaintiff Happy Sack Music Ltd., d/b/a Visa Music (hereinafter “Happy Sack”) is the sole legal or beneficial owner of the following musical work(s) (Copyright Registration No. following title):

- i. “Skipper’s Blues” aka “Ashes By Now” – EU 722057 / PA 177-880

62. Happy Sack is the exclusive holder of all rights granted by 17 U.S.C. § 106 in and to the musical work referenced in Paragraph 61 hereof.

63.The musical work referenced in Paragraph 61 hereof has been registered with the United States Copyright Office.

64.Upon information and belief, without Happy Sack’s authorization or permission, Yahoo! has copied, displayed, performed and distributed to the public, via its “On-Demand Streams” and “Limited Downloads” through the Yahoo! Music Service referenced above, the following sound recordings (as listed on the Yahoo! Music Service) embodying Happy Sack’s copyrighted musical work referenced in Paragraph 61 hereof:

<u>Track</u>	<u>Artist</u>	<u>Album</u>
Ashes By Now	Emmylou Harris	Songbird: Rare Tracks...
Ashes By Now	Lee Ann Womack	I Hope You Dance
Ashes By Now	Lee Ann Womack	Greatest Hits
Ashes By Now	Rodney Crowell	But What Will The Neighbors Think
Ashes By Now	Rodney Crowell	The Rodney Crowell Collection
Karaoke: Ashes By Now	Lee Ann Womack	Karaoke Tribute: More Tribute To Lee Ann Womack, Vol. 1
Karaoke: Ashes By Now	Priddis Music Presents	Sing Best Country 2001, Vol. 1

65. Upon information and belief, without Happy Sack's authorization or permission, RealNetworks has copied, displayed, performed and distributed to the public, via its "On-Demand Streams" and "Limited Downloads" through the Rhapsody Music Service referenced above, the following sound recordings (as listed on the Rhapsody Music Service) embodying Happy Sack's copyrighted musical work referenced in Paragraph 61 hereof:

<u>Track</u>	<u>Artist</u>	<u>Album</u>
Ashes By Now	Lee Ann Womack	I Hope You Dance
Ashes By Now	Jim and Jesse	Pickin' On Lee Ann Womack: A Bluegrass Tribute [2002]
Ashes By Now	Lee Ann Womack	Greatest Hits
Ashes By Now	Rodney Crowell	But What Will The Neighbors Think
Ashes By Now	Rodney Crowell	The Rodney Crowell Collection
Ashes By Now (2007 Remastered LP Version)	Emmylou Harris	Songbird: Rare Tracks & Forgotten Gems [Digital Version]

66. Upon information and belief, without Happy Sack's authorization or permission, Microsoft has copied, displayed, performed and distributed to the public, via its "On-Demand Streams" and "Limited Downloads" through the Zune Music Service referenced above, the following sound recordings (as listed on the Zune Music

service) embodying Happy Sack’s copyrighted musical work referenced in Paragraph 61 hereof:

<u>Track</u>	<u>Artist</u>	<u>Album</u>
Ashes By Now	Emmylou Harris	Songbird: Rare Tracks And Forgotten Gems (Special Edition)
Ashes By Now	Lee Ann Womack	I Hope You Dance
Ashes By Now	Lee Ann Womack	Greatest Hits
Ashes By Now	Rodney Crowell	But What Will The Neighbors Think
Ashes By Now	Rodney Crowell	The Rodney Crowell Collection

67. Plaintiff Joe Hill Music, LLC, d/b/a Joe Hill Music (hereinafter referred to as “Joe Hill”) is the sole legal or beneficial owner of the following musical work(s) (Copyright Registration No. following title):

- i. “Aragon Mill” – EU 424251 / RE 913-519 (aka “Belfast Mill”)
- ii. “Babysitter” – PAU 350-897
- iii. “By The Side Of The Road” – PAU 615-047
- iv. “Cotton Mill Blues” – EU 621626 / RE 913-523
- v. Detroit December PAU 312-457
- vi. “Friend & Companion” – PA 827-775
- vii. “Generations” – PAU 1-181-407

- viii. “Going Going Gone” – PAU 921-869
- ix. “Gone Gonna Rise Again” – EU 424245
- x. “Government On Horseback” PAU 344-367
- xi. “Here Is My Home” – PAU 615-047
- xii. “Lawrence Jones” – EU 522384
- xiii. “Long Time Traveling, Long Time Friends” – PA 300-794
- xiv. “Luray Women” – PAU 615-047
- xv. Mississippi Summer PAU 344-367
- xvi. “Nobody’s Body But Mine” – PAU 1-561-130
- xvii. “People Like You” – PA 108-153
- xviii. Rock Me, Roll Me PAU 344-367
- xix. Rubber Blubber Whale PAU 312-458
- xx. “Signs Of The Times” – PA 300-795
- xxi. “Welcome To The World” – PAU 615-047
- xxii. “What Will I Leave” – PAU 1-181-407
- xxiii. Wild Rose Of The Mountain PAU 312-457

68. Joe Hill is the exclusive holder of all rights granted by 17 U.S.C. § 106 in and to the musical works referenced in Paragraph 67 hereof.

69.The musical works referenced in Paragraph 67 hereof have been registered with the United States Copyright Office.

70.Upon information and belief, without Joe Hill's authorization or permission, Yahoo! has copied, displayed, performed and distributed to the public, via its "On-Demand Streams" and "Limited Downloads" through the Yahoo! Music Service referenced above, the following sound recordings (as listed on the Yahoo! Music Service) embodying Joe Hill's copyrighted musical work referenced in Paragraph 67 hereof:

<u>Track</u>	<u>Artist</u>	<u>Album</u>
Accidentals/Aragon Mill	Planxty	Words And Music
All My Trials / People Like You	Sharon Dresson McKnight	My Backyard
Aragon Mill	Charles Sawtelle	Music From Rancho Deville
Aragon Mill	Dolores Keane	Dolores Keane
Aragon Mill	Dry Branch Fire Squad	Tried & True
Aragon Mill	Dry Branch Fire Squad	Live! At Last
Aragon Mill	Hazel Dickens	Hard Hitting Songs For Hard Hit People
Aragon Mill	Jane Sapp	Carry It On

Aragon Mill	Pete Seeger	Carry It On: Songs Of America's Working People
Aragon Mill	Rosalie Sorrels	The Long Memory
Aragon Mill	Si Kahn	New Wood
Aragon Mill	Si Kahn	In My Heart: Live In Holland
Aragon Mill	Skip Heller	Mean Things Happen In This Land
Babysitter	John McCutcheon	Howjadoo
Belfast Mill	Dublin City Ramblers	Irish Folk Heroes
Belfast Mill	Sean Talamh	Traditional Irish Music
Belfast Mill	Various Artists	Classic Irish Folk, Volume 1
By The Side Of The Road	John McCutcheon	Signs of the Times
Cotton Mill Blues	Anne Price	Hearth & Fire
Detroit, December	John McCutcheon	Winter Solstice
Friend And Companion	John McCutcheon	Signs of the Times
Generations	Sally Rogers	Generations
Generations	Si Kahn	I'll Be There
Going, Going, Gone	John McCutcheon	Live at Wolf Trap
Going, Going, Gone	Si Kahn	I Have Seen Freedom

Gone Gonna Rise Again	John McCutcheon	Gonna Rise Again
Gone Gonna Rise Again	Si Kahn	New Wood
Gone Gonna Rise Again	Si Kahn	In My Heart: Live In Holland
Gone Gonna Rise Again	The Gordons	Time Will Tell Our Story
Government On Horseback	John McCutcheon	Signs of the Times
Here Is My Home	John McCutcheon	Signs of the Times
Lawrence Jones	Lawrence Jones	Harlan County USA: Songs Of The Coal Miner's Struggle
Lawrence Jones	Phyllis Boyens	Coal Mining Women
Lawrence Jones	Si Kahn	New Wood
Long Time Traveling/Long Time Friends	John McCutcheon	Signs of the Times
Luray Women	Mary Sue Twohy	The Risk Involved
Mississippi	Oyster Band	Freedom And Rain
Mississippi Summer	Si Kahn	In My Heart: Live In Holland
Molly And The Whale/ Rubber Blubber Whale	John McCutcheon	Howjadoo
Nobody's Body But Mine	Cathy Fink	Voice On The Wind
Nobody's Body But Mine	Si Kahn	I Have Seen Freedom

Rubber Blubber Whale	Ellen Edson	Family Fare: Folk Songs for Children and Their Families
Rubber Blubber Whale	John McCutcheon	Water From Another Time
Signs of the Times	John McCutcheon	Signs of the Times
Welcome To The World / Willie's Waltz	John McCutcheon	Signs of the Times
What Will I Leave Behind	Charlie Bernhardt	A Bridge Between Two Worlds
Wild Rose Of The Mountain	Blue Rose	Blue Rose
Wild Rose Of The Mountain	Si Kahn	In My Heart: Live In Holland
Wild Rose Of The Mountain	The Hackensaw Boys	Give It Back
Wild Rose Of The Mountain / Wild Rose Of The Mountain	John McCutcheon	Water From Another Time

71. Upon information and belief, without Joe Hill's authorization or permission, RealNetworks has copied, displayed, performed and distributed to the public, via its "On-Demand Streams" and "Limited Downloads" through the Rhapsody Music Service referenced above, the following sound recordings (as listed on the Rhapsody Music Service) embodying Joe Hill's copyrighted musical work referenced in Paragraph 67 hereof:

<u>Track</u>	<u>Artist</u>	<u>Album</u>
Accidentals, Aragon Mill	Planxty	Words And Music

All My Trials / People Like You	Sharron Dresson McKnight	My Backyard
Aragon Mill	Jill Fielding	Triplicity
Aragon Mill	Peggy Seeger	Classic Labor Songs from Smithsonian Folkways
Aragon Mill	Peggy Seeger	From Where I Stand: Topical Songs from America and Eng...
Aragon Mill	Rosalie Sorrels And Utah Phillips	The Long Memory
Aragon Mill	Si Kahn	In My Heart
Aragon Mill	Si Kahn	Take Me Back
Aragon Mill	The Skip Heller Trio	Mean Things Happen In This Land
Aragon Mill	White Mountain Bluegrass	Aragon Mill
Babysitter	John McCutcheon	Howjadoo
Belfast Mill	Dublin City Ramblers	Discover Celtic Music
Belfast Mill	Dublin City Ramblers	Irish Folk Heroes
Belfast Mill	Dublin City Ramblers	4 Classic Irish Folk (Volume 1)
Belfast Mill	Gilligan's Ireland	The Green Among The Gold
Belfast Mill	Greenwich Mean Time	Greenwich Mean Time

Belfast Mill	Men of Worth	Bright Shores of Freedom
Belfast Mill	Sean Talamh	Traditional Irish Music
Belfast Mill	Sean Talamh	World Travel: Celtic
By The Side Of The Road	John McCutcheon/ Si Kahn	Signs of the Times
Cotton Mill Blues	Anne Price	Hearth and Fire
Detroit December	Si Kahn	In My Heart
Detroit December	Si Kahn	In My Heart: Live In Holland
Detroit, December	John McCutcheon	Winter Solstice
Friend And Companion	John McCutcheon/ Si Kahn	Signs of the Times
Generations	Sally Rogers	Generations
Going, Going, Gone	John McCutcheon	Live at Wolf Trap
Going, Going, Gone	Si Kahn	I Have Seen Freedom
Gone Gonna Rise Again	Dick Gaughan	Redwood Cathedral
Gone Gonna Rise Again	John McCutcheon	Gonna Rise Again
Gone Gonna Rise Again	Si Kahn	In My Heart: Live In Holland
Gone Gonna Rise Again	Si Kahn	New Wood
Gone Gonna Rise Again	The Gordons	Time Will Tell Our Story

Gone, Gonna Rise Again	Si Kahn	In My Heart
Government On Horseback	John McCutcheon/ Si Kahn	Signs of the Times
Here Is My Home	John McCutcheon/ Si Kahn	Signs of the Times
Lawrence Jones	Phyllis Boyens	Harlan County USA: Songs Of The Coal Miner's Struggle
Lawrence Jones	Si Kahn	New Wood
Long Time Traveling / Long Time Friends	John McCutcheon/ Si Kahn	Signs of the Times
Luray Woman	Si Kahn	In My Heart
Luray Women	Hot Soup	Hot Soup!
Luray Women	Mary Sue Twohy	The Risk Involved
Luray Women	Si Kahn	In My Heart: Live In Holland
Mississippi Summer	June Tabor And The Oyster Band	Freedom And Rain
Mississippi Summer	Oysterband	Granite Years (The Best Of 1986 – 1997)
Mississippi Summer	Si Kahn	In My Heart: Live In Holland
Mississippi Summer	Si Kahn	In My Heart

Molly And The Whale Rubber Blubber Whale	John McCutcheon	Howjadoo
Nobody's Body But Mine	Cathy Fink & Marcy Marxer	Voice On The Wind
Nobody's Body But Mine	Si Kahn	I Have Seen Freedom
Rock Me, Roll Me	Si Kahn	In My Heart: Live In Holland
Rock Me, Roll Me	Si Kahn	In My Heart
Rock Me, Roll Me	Musicbear	Buddy
Rubber Blubber Whale	Ellen Edson	Family Fare: Folk Songs for Children and Their Families
Rubber Blubber Whale	John McCutcheon	Water From Another Time
Signs of the Times	John McCutcheon/ Si Kahn	Signs of the Times
The Belfast Mill	Jennifer Licko & Alan Chapman	Language of the Gaels
The Wild Rose Of The Mountain	Phil Salazar	Phil Salazar & Band
Welcome To The World	Si Kahn	In My Heart
Welcome To The World	Si Kahn	In My Heart: Live In Holland
Welcome To The World / Willie's Waltz	John McCutcheon/ Si Kahn	Signs of the Times

What Will I Leave	Cathy Fink & Marcy Marxer	Voice On The Wind
What Will I Leave	Si Kahn	I'll Be There
What Will I Leave	Si Kahn	In My Heart
What Will I Leave	Si Kahn	In My Heart: Live In Holland
What Will I Leave Behind	Charlie Bernhardt	A Bridge Between Two Worlds
Wild Rose Of The Mountain	Crossing The Borders	Crossing The Borders: Celtic Folk Music
Wild Rose Of The Mountain	Georgia Mudcats	Barefoot in the Henhouse and Other Southern Delights
Wild Rose Of The Mountain	Si Kahn	In My Heart
Wild Rose Of The Mountain	Si Kahn	In My Heart: Live In Holland
Wild Rose Of The Mountain	The Hackensaw Boys	Give It Back
Wild Rose Of The Mountain / Wild Rose Of The Mountain	John McCutcheon	Water From Another Time

72. Upon information and belief, without Joe Hill's authorization or permission, Microsoft has copied, displayed, performed and distributed to the public, via its "On-Demand Streams" and "Limited Downloads" through the Zune Music Service referenced above, the following sound recordings (as listed on the Zune Music

service) embodying Joe Hill's copyrighted musical work referenced in Paragraph 67
hereof:

<u>Track</u>	<u>Artist</u>	<u>Album</u>
All My Trials/People Like You	Sharon Dresson McKnight	My Backyard
Aragon Mill	Charles Sawtelle	Music From Rancho Deville
Aragon Mill	Dolores Keane	Dolores Keane
Aragon Mill	Dry Branch Fire Squad	Tried & True
Aragon Mill	Dry Branch Fire Squad	Live! At Last
Aragon Mill	Hazel Dickens	Hard Hitting Songs For Hard Hit People
Aragon Mill	Pete Seeger	Carry It On, Songs Of America's Working People
Aragon Mill	Rosalie Sorrels	The Long Memory
Aragon Mill	Si Kahn	New Wood
Aragon Mill	Si Kahn	In My Heart: A Retrospective
Aragon Mill	Skip Heller	Mean Things Happen In This Land
Babysitter	John McCutcheon	Howjadoo
Babysitter	Si Kahn	Good Times & Bedtimes
Belfast Mill	Dublin City Ramblers	Irish Folk Heroes

Belfast Mill	Dublin City Ramblers	Classic Irish Folk, Vol. 1
Belfast Mill	Sean Talamh	Traditional Irish Music
Belfast Mill	Sean Talamh	World Travel: Celtic
By The Side Of The Road	John McCutcheon & Si Kahn	Sings of the Times
Cotton Mill Blues	Anne Price	Hearth & Fire
Detroit December	Si Kahn	In My Heart: A Retrospective
Detroit, December	John McCutcheon	Winter Solstice
Friend & Companion	John McCutcheon & Si Kahn	Sings of the Times
Generations	Sally Rogers	Generations
Generations	Si Kahn	I'll Be There
Going Going Gone	Si Kahn	I Have Seen Freedom
Going, Going, Gone	John McCutcheon	Live at Wolf Trap
Gone Gonna Rise Again	John McCutcheon	Gonna Rise Again
Gone Gonna Rise Again	Si Kahn	New Wood
Gone Gonna Rise Again	Si Kahn	In My Heart: A Retrospective
Gone Gonna Rise Again	The Gordons	Time Will Tell Our Story
Gone, Gonna Rise Again	Dick Gaughan	Redwood Cathedral

Government On Horseback	John McCutcheon & Si Kahn	Sings of the Times
Lawrence Jones	Various Artists	Coal Mining Women
Lawrence Jones	Kathy Mattea	Coal
Lawrence Jones	Si Kahn	New Wood
Lawrence Jones	Various Artists	Harlan County USA: Songs Of The Coal Miner's Struggle
Long Time Traveling/Long Time Friends	John McCutcheon & Si Kahn	Sings of the Times
Luray Women	Mary Sue Twohy	The Risk Involved
Luray Women	Si Kahn	In My Heart: A Retrospective
Mississippi Summer	June Tabor	Freedom And Rain
Mississippi Summer	Si Kahn	In My Heart: A Retrospective
Molly And The Whale/ Rubber Blubber Whale	John McCutcheon	Howjadoo
Nobody's Body But Mine	Cathy Fink	Voice On The Wind
Nobody's Body But Mine	Si Kahn	I Have Seen Freedom
Rock Me, Roll Me	Si Kahn	In My Heart: A Retrospective
Rubber Blubber Whale	John McCutcheon	Water From Another Time: A Retrospective

Signs of the Times	John McCutcheon & Si Kahn	Sings of the Times
Welcome To The World	Si Kahn	In My Heart: A Retrospective
Welcome To The World/ Willie's Waltz	John McCutcheon & Si Kahn	Sings of the Times
What Will I Leave	Cathy Fink	Voice On The Wind
What Will I Leave	Si Kahn	I'll Be There
What Will I Leave	Si Kahn	In My Heart: A Retrospective
Wild Rose Of The Mountain	Blue Rose	Blue Rose
Wild Rose Of The Mountain	John McCutcheon	Water From Another Time: A Retrospective
Wild Rose Of The Mountain	Si Kahn	In My Heart: A Retrospective
Wild Rose Of The Mountain	The Hackensaw Boys	Give It Back

73. Plaintiff Joe Hill Music, LLC, d/b/a Joe Hill Music, and Plaintiff John McCutcheon, Individually and d/b/a Appalsongs and Appalseed Productions (hereinafter collectively referred to as "Joe Hill and McCutcheon") are jointly the sole legal or beneficial owners of the following musical work(s) (Copyright Registration No. following title):

i. "April Fool"

PA 1-013-508

- ii. "Baseball On The Block" PA 607-585, PA 683-888/PA 1-060-501
- iii. "Bigger Than Yourself" PA-1-060-496
- iv. "Bird Dog" PA 934-926/PA 1-060-500
- v. "Campfire" PA 934-926/PA 1-060-500
- vi. "Camping In The Wilderness" PA 871-170
- vii. "Dad & Me" PA 871-170
- viii. "Dark Haired Woman" PA 735-042
- ix. "Dogs Life" PA 1-013-508
- x. "Family Garden" PA 607-585, PA 683-888/PA 1-060-501
- xi. "Family Revival" PA 607-585, PA 683-888/PA 1-060-501
- xii. "Fishin'" PA 1-013-508
- xiii. "Friends Don't Let Friends" PA-1-060-496
- xiv. "Friendship" PA-1-060-496
- xv. "Frog On A Log" PA 1-013-508
- xvi. "Ghosts of The Good Old Days" PA 1-060-494
- xvii. "Going To The Prom" PA 1-013-508
- xviii. "Haircut" PA 871-170
- xix. "Halloween" PA 934-926/PA 1-060-500
- xx. "Happened to Me" PA 735-042

xxi. “Hope I Can Make It”	PA 1-013-508
xxii. “How Many People”	PA 607-585, PA 683-888/PA 1-060-501
xxiii. “I Got A Dime”	PA-1-060-496
xxiv. “I Love Summer”	PA 871-170
xxv. “Ice Cream Man”	PA 871-170
xxvi. “If I Ran The World”	PA 607-585, PA 683-888/PA 1-060-501
xxvii. “Imaginary Friend”	PA 607-585, PA 683-888/PA 1-060-501
xxviii. “It’s Fall”	PA 934-926/PA 1-060-500
xxix. “Junk Mail”	PA 1-013-508
xxx. “Kid Who Hates Summer”	PA 871-170
xxxi. “Kids On Strike”	PA-1-060-496
xxxii. “Labor Day”	PA 934-926/PA 1-060-500
xxxiii. “Leftovers”	PA 791-592
xxxiv. “Losers Like You”	PA 791-592
xxxv. “Meteors”	PA 871-170
xxxvi. “Mud”	PA 871-170
xxxvii. “My Old Man”	PA 791-591
xxxviii. “Natural Disaster”	PA 934-926/PA 1-060-500
xxxix. “New Kid In School”	PA 934-926/PA 1-060-500

xl. “Nothing To Lose”	PA 791-592
xli. “Paint Me A Picture”	PA 791-592
xl.ii. “Play Fair”	PA-1-060-496
xl.iii. “Power Mower”	PA 871-170
xl. iv. “Riding My Bike”	PA 871-170
xl. v. “Running For President”	PA-1-060-496
xl. vi. “S’posed to Do”	PA 735-042
xl. vii. “Safe at Home”	PA-1-060-496
xl. viii. “Sing Me”	PA-1-060-496
xl. ix. “Snow In April”	PA 1-013-508
l. “Someone Else Decide”	PA-1-060-496
li. “Soup”	PA 791-624
lii. “Spring Cleaning”	PA 1-013-508
liii. “Spring Fever”	PA 1-013-508
liv. “Stick Together”	PA-1-060-496
lv. “Still The Ones For Me”	PA-1-060-496
lvi. “Summer Is a-Comin’”	PA 1-013-508/PA 1-060-494
lvii. “Swimming Hole”	PA 871-170
lviii. “Thanksgiving Day”	PA 934-926/PA 1-060-500

- lix. “The Principle” PA-1-060-496, PA-1-090-246
- lx. “The Way It’s Supposed To Be” PA 791-592
- lxi. “Walk On” PA 791-592
- lxii. “Whatchagonnabe” PA-1-060-496
- lxiii. “Woman Like You” PA 735-043/PA 1-060-494
- lxiv. “World Series ‘57” PA 934-926/PA 1-060-500
- lxv. “Write It Down” PA-1-060-496

74. Joe Hill and McCutcheon are the exclusive holders of all rights granted by 17 U.S.C. § 106 in and to the musical works referenced in Paragraph 73 hereof.

75. The musical works referenced in Paragraph 73 hereof have been registered with the United States Copyright Office.

76. Upon information and belief, without Joe Hill’s and/or McCutcheon’s authorization or permission, Yahoo! has copied, displayed, performed and distributed to the public, via its “On-Demand Streams” and “Limited Downloads” through the Yahoo! Music Service referenced above, the following sound recordings (as listed on the Yahoo! Music Service) embodying Joe Hill’s and McCutcheon’s copyrighted musical work referenced in Paragraph 73 hereof:

<u>Track</u>	<u>Artist</u>	<u>Album</u>
April Fool	John McCutcheon	Four Seasons: Spiringsongs...
Baseball On The Block	John McCutcheon	Family Garden
Bigger Than Yourself	John McCutcheon	Bigger Than Yourself
Bird Dog	John McCutcheon	John McCutcheon's Four Seasons: Autumnsongs
Campfire	John McCutcheon	John McCutcheon's Four Seasons: Autumnsongs
Camping In The Wilderness	John McCutcheon	John McCutcheon's Four Seasons: Summersongs
Colors	John McCutcheon	John McCutcheon's Four Seasons: Autumnsongs
Dad & Me	John McCutcheon	John McCutcheon's Four Seasons: Summersongs
Dark-Haired Woman	John McCutcheon	Between The Eclipse
Dog's Life	John McCutcheon	Four Seasons: Spiringsongs...
Family Garden	John McCutcheon	Family Garden
Family Revival	John McCutcheon	Family Garden
Fishin'	John McCutcheon	Four Seasons: Spiringsongs...
Friends Don't Let Friends	John McCutcheon	Bigger Than Yourself
Friendship	John McCutcheon	Bigger Than Yourself

Frog On A Log	John McCutcheon	Four Seasons: Singsongs...
Ghosts of the Good Old Days	John McCutcheon	The Greatest Story Never Told
Ghosts of the Good Old Days	John McCutcheon	These Times We're Living In: a Red House Anthology
Going To The Prom	John McCutcheon	Four Seasons: Singsongs...
Haircut	John McCutcheon	John McCutcheon's Four Seasons: Summersongs
Halloween	John McCutcheon	John McCutcheon's Four Seasons: Autumnsongs
Happened To Me	John McCutcheon	Between The Eclipse
Hope I Make It	John McCutcheon	Four Seasons: Singsongs...
How Many People	John McCutcheon	Family Garden
I Got A Dime	John McCutcheon	Bigger Than Yourself
I Love Summer	John McCutcheon	John McCutcheon's Four Seasons: Summersongs
Ice-Cream Man	John McCutcheon	John McCutcheon's Four Seasons: Summersongs
If I Ran The World	John McCutcheon	Family Garden

If I Ran The World	John McCutcheon	Bright Spaces: Children's Music To Benefit The Homeless
Imaginary Friend	John McCutcheon	Family Garden
It's Fall	John McCutcheon	John McCutcheon's Four Seasons: Autumnsongs
Junk Mail	John McCutcheon	Four Seasons: Springsongs...
Kid Who Hates Summer	John McCutcheon	John McCutcheon's Four Seasons: Summersongs
Kids On Strike	John McCutcheon	Bigger Than Yourself
Labor Day	John McCutcheon	John McCutcheon's Four Seasons: Autumnsongs
Labor Day	John McCutcheon	Supper's On The Table...
Leftovers	John McCutcheon	Nothing To Lose
Losers Like You	John McCutcheon	Nothing To Lose
Meteors/The Perseid	John McCutcheon	John McCutcheon's Four Seasons: Summersongs
Meteors/The Perseid	John McCutcheon	Supper's On The Table...
Mud	John McCutcheon	John McCutcheon's Four Seasons: Summersongs
My Old Man	John McCutcheon	Nothing To Lose
Natural Disaster	John McCutcheon	John McCutcheon's Four Seasons: Autumnsongs

New Kid In School	John McCutcheon	John McCutcheon's Four Seasons: Autumnsongs
Nothing To Lose	John McCutcheon	Nothing To Lose
Paint Me A Picture	John McCutcheon	Nothing To Lose
Play Fair	John McCutcheon	Bigger Than Yourself
Power Mower	John McCutcheon	John McCutcheon's Four Seasons: Summersongs
Riding My Bike	John McCutcheon	John McCutcheon's Four Seasons: Summersongs
Running For President	John McCutcheon	Bigger Than Yourself
Safe At Home	John McCutcheon	Bigger Than Yourself
Sing Me	John McCutcheon	Bigger Than Yourself
Snow In April	John McCutcheon	Four Seasons: Springsongs...
Snow In April	John McCutcheon	Supper's On The Table...
Someone Else Decide	John McCutcheon	Bigger Than Yourself
Soup	John McCutcheon	Supper's On The Table...
Soup	Hot Soup	Soup Happens
Soup	John McCutcheon	Wintersongs
S'posed To Do	John McCutcheon	Between The Eclipse
Spring Cleaning	John McCutcheon	Four Seasons: Springsongs...

Spring Fever	John McCutcheon	Four Seasons: Singsongs...
Stick Together	John McCutcheon	Bigger Than Yourself
Still The Ones For Me	John McCutcheon	Bigger Than Yourself
Summer Is A-Coming	John McCutcheon	Four Seasons: Singsongs...
Swimming Hole	John McCutcheon	John McCutcheon's Four Seasons: Summersongs
Thanksgiving Day	John McCutcheon	John McCutcheon's Four Seasons: Autumnsongs
The Principle	John McCutcheon	Bigger Than Yourself
The Principle	John McCutcheon	Supper's On The Table...
Walk On	John McCutcheon	Nothing To Lose
Way It's Supposed To Be	John McCutcheon	Nothing To Lose
Whatchagonnabe	John McCutcheon	Bigger Than Yourself
Woman Like You	John McCutcheon	Between The Eclipse
World Series '57	John McCutcheon	John McCutcheon's Four Seasons: Autumnsongs
Write It Down	John McCutcheon	Bigger Than Yourself

77. Upon information and belief, without Joe Hill's and/or McCutcheon's authorization or permission, RealNetworks has copied, displayed, performed and distributed to the public, via its "On-Demand Streams" and "Limited Downloads"

through the Rhapsody Music Service referenced above, the following sound recordings (as listed on the Rhapsody Music Service) embodying Joe Hill's and McCutcheon's copyrighted musical work referenced in Paragraph 73 hereof:

<u>Track</u>	<u>Artist</u>	<u>Album</u>
April Fool	John McCutcheon	John McCutcheon's Four Seasons: Springsongs
Baseball On The Block	John McCutcheon	Family Garden
Bigger Than Yourself	John McCutcheon	Bigger Than Yourself
Bird Dog	John McCutcheon	John McCutcheon's Four Seasons: Autumnsongs
Campfire	John McCutcheon	John McCutcheon's Four Seasons: Autumnsongs
Camping In The Wilderness	John McCutcheon	Summersongs
Dad & Me	John McCutcheon	Summersongs
Dog's Life	John McCutcheon	John McCutcheon's Four Seasons: Springsongs
Family Garden	John McCutcheon	Family Garden
Family Revival	John McCutcheon	Family Garden
Fishin'	John McCutcheon	John McCutcheon's Four Seasons: Springsongs
Friends Don't Let Friends	John McCutcheon	Bigger Than Yourself
Friendship	John McCutcheon	Bigger Than Yourself

Frog On A Log	John McCutcheon	John McCutcheon's Four Seasons: Springsongs
Ghosts of the Good Old Days	John McCutcheon	These Times We're Living In: A Red House...
Ghosts of the Good Old Days	John McCutcheon	The Greatest Story Never Told
Going To The Prom	John McCutcheon	John McCutcheon's Four Seasons: Springsongs
Haircut	John McCutcheon	Summersongs
Halloween	John McCutcheon	John McCutcheon's Four Seasons: Autumnsongs
Happened To Me	John McCutcheon	Between The Eclipse
Hope I Make It	John McCutcheon	John McCutcheon's Four Seasons: Springsongs
How Many People	John McCutcheon	Family Garden
I Got A Dime	John McCutcheon	Bigger Than Yourself
I Love Summer	John McCutcheon	Summersongs
Ice-Cream Man	John McCutcheon	Summersongs
If I Ran The World	John McCutcheon	Family Garden
Imaginary Friend	John McCutcheon	Family Garden
It's Fall	John McCutcheon	John McCutcheon's Four Seasons: Autumnsongs

Junk Mail	John McCutcheon	John McCutcheon's Four Seasons: Springsongs
Kid Who Hates Summer	John McCutcheon	Summersongs
Kids On Strike	John McCutcheon	Bigger Than Yourself
Labor Day	John McCutcheon	John McCutcheon's Four Seasons: Autumnsongs
Labor Day	John McCutcheon	Supper's On The Table... Everybody Come In
Leftovers	John McCutcheon	Nothing To Lose
Losers Like You	John McCutcheon	Nothing To Lose
Mud	John McCutcheon	Summersongs
My Old Man	John McCutcheon	Nothing To Lose
Natural Disaster	John McCutcheon	John McCutcheon's Four Seasons: Autumnsongs
New Kid In School	John McCutcheon	John McCutcheon's Four Seasons: Autumnsongs
Nothing To Lose	John McCutcheon	Nothing To Lose
Paint Me A Picture	John McCutcheon	Nothing To Lose
Play Fair	John McCutcheon	Bigger Than Yourself
Power Mower	John McCutcheon	Summersongs
Riding My Bike	John McCutcheon	Summersongs
Running For President	John McCutcheon	Bigger Than Yourself

Safe At Home	John McCutcheon	Bigger Than Yourself
Sing Me	John McCutcheon	Bigger Than Yourself
Snow In April	John McCutcheon	John McCutcheon's Four Seasons: Springsongs
Snow In April	John McCutcheon	Supper's On The Table... Everybody Come In
Someone Else Decide	John McCutcheon	Bigger Than Yourself
Soup	John McCutcheon	Supper's On The Table... Everybody Come In
Soup	John McCutcheon	Wintersongs
S'posed To Do	John McCutcheon	Between The Eclipse
Spring Cleaning	John McCutcheon	John McCutcheon's Four Seasons: Springsongs
Spring Fever	John McCutcheon	John McCutcheon's Four Seasons: Springsongs
Stick Together	John McCutcheon	Bigger Than Yourself
Still The Ones For Me	John McCutcheon	Bigger Than Yourself
Summer Is A-Coming	John McCutcheon	John McCutcheon's Four Seasons: Springsongs
Swimming Hole	John McCutcheon	Summersongs
Thanksgiving Day	John McCutcheon	John McCutcheon's Four Seasons: Autumnsongs

The Meteors / Perseid	John McCutcheon	Summersongs
The Meteors / Perseid	John McCutcheon	Supper's On The Table... Everybody Come in
The Principle	John McCutcheon	Bigger Than Yourself
The Principle	John McCutcheon	Supper's On The Table... Everybody Come In
Walk On	John McCutcheon	Nothing To Lose
Way It's Supposed To Be	John McCutcheon	Nothing To Lose
Whatchagonnabe	John McCutcheon	Bigger Than Yourself
Woman Like You	John McCutcheon	Between The Eclipse
World Series '57	John McCutcheon	John McCutcheon's Four Seasons: Autumnsongs
Write It Down	John McCutcheon	Bigger Than Yourself

78. Upon information and belief, without Joe Hill's and/or McCutcheon's authorization or permission, Microsoft has copied, displayed, performed and distributed to the public, via its "On-Demand Streams" and "Limited Downloads" through the Zune Music Service referenced above, the following sound recordings (as listed on the Zune Music service) embodying Joe Hill's and McCutcheon's copyrighted musical work referenced in Paragraph 73 hereof:

<u>Track</u>	<u>Artist</u>	<u>Album</u>
April Fool	John McCutcheon	John McCutcheon's Four Seasons: Springsongs

Baseball On The Block	John McCutcheon	Family Garden
Bigger Than Yourself	John McCutcheon	Bigger Than Yourself
Bird Dog	John McCutcheon	John McCutcheon's Four Seasons: Autumnsongs
Campfire	John McCutcheon	John McCutcheon's Four Seasons: Autumnsongs
Camping In The Wilderness	John McCutcheon	John McCutcheon's Four Seasons: Summersongs
Dad & Me	John McCutcheon	John McCutcheon's Four Seasons: Summersongs
Dark-Haired Woman	John McCutcheon	Between The Eclipse
Dog's Life	John McCutcheon	John McCutcheon's Four Seasons: Springsongs
Family Garden	John McCutcheon	Family Garden
Family Revival	John McCutcheon	Family Garden
Fishin'	John McCutcheon	John McCutcheon's Four Seasons: Springsongs
Friends Don't Let Friends	John McCutcheon	Bigger Than Yourself
Friendship	John McCutcheon	Bigger Than Yourself
Frog On A Log	John McCutcheon	John McCutcheon's Four Seasons: Springsongs
Ghosts of the Good Old Days	John McCutcheon	The Greatest Story Never Told

Ghosts of the Good Old Days	John McCutcheon	These Times We're Living In: A Red House Anthology
Going To The Prom	John McCutcheon	John McCutcheon's Four Seasons: Springsongs
Haircut	John McCutcheon	John McCutcheon's Four Seasons: Summersongs
Halloween	John McCutcheon	John McCutcheon's Four Seasons: Autumnsongs
Happened To Me	John McCutcheon	Between The Eclipse
Hope I Make It	John McCutcheon	John McCutcheon's Four Seasons: Springsongs
How Many People	John McCutcheon	Family Garden
I Got A Dime	John McCutcheon	Bigger Than Yourself
I Love Summer	John McCutcheon	John McCutcheon's Four Seasons: Summersongs
Ice-Cream Man	John McCutcheon	John McCutcheon's Four Seasons: Summersongs
If I Ran The World	John McCutcheon	Family Garden
If I Ran The World	John McCutcheon	Bright Spaces: Children's Music To Benefit The Homeless
Imaginary Friend	John McCutcheon	Family Garden
It's Fall	John McCutcheon	John McCutcheon's Four Seasons: Autumnsongs

Junk Mail	John McCutcheon	John McCutcheon's Four Seasons: Springsongs
Kid Who Hates Summer	John McCutcheon	John McCutcheon's Four Seasons: Summersongs
Kids On Strike	John McCutcheon	Bigger Than Yourself
Labor Day	John McCutcheon	John McCutcheon's Four Seasons: Autumnsongs
Labor Day	John McCutcheon	Supper's On The Table... Everybody Come In
Leftovers	John McCutcheon	Nothing To Lose
Losers Like You	John McCutcheon	Nothing To Lose
Meteors/The Perseid	John McCutcheon	John McCutcheon's Four Seasons: Summersongs
Meteors/The Perseid	John McCutcheon	Supper's On The Table... Everybody Come In
Mud	John McCutcheon	John McCutcheon's Four Seasons: Summersongs
My Old Man	John McCutcheon	Nothing To Lose
Natural Disaster	John McCutcheon	John McCutcheon's Four Seasons: Autumnsongs
New Kid In School	John McCutcheon	John McCutcheon's Four Seasons: Autumnsongs
Nothing To Lose	John McCutcheon	Nothing To Lose
Paint Me A Picture	John McCutcheon	Nothing To Lose

Play Fair	John McCutcheon	Bigger Than Yourself
Power Mower	John McCutcheon	John McCutcheon's Four Seasons: Summersongs
Riding My Bike	John McCutcheon	John McCutcheon's Four Seasons: Summersongs
Running For President	John McCutcheon	Bigger Than Yourself
Safe At Home	John McCutcheon	Bigger Than Yourself
Sing Me	John McCutcheon	Bigger Than Yourself
Snow In April	John McCutcheon	John McCutcheon's Four Seasons: Springsongs
Snow In April	John McCutcheon	Supper's On The Table... Everybody Come In
Someone Else Decide	John McCutcheon	Bigger Than Yourself
Soup	John McCutcheon	Supper's On The Table... Everybody Come In
S'posed To Do	John McCutcheon	Between The Eclipse
Spring Cleaning	John McCutcheon	John McCutcheon's Four Seasons: Springsongs
Spring Fever	John McCutcheon	John McCutcheon's Four Seasons: Springsongs
Stick Together	John McCutcheon	Bigger Than Yourself
Still The Ones For Me	John McCutcheon	Bigger Than Yourself

Summer Is A-coming	John McCutcheon	John McCutcheon's Four Seasons: Springsongs
Swimming Hole	John McCutcheon	John McCutcheon's Four Seasons: Summersongs
Thanksgiving Day	John McCutcheon	John McCutcheon's Four Seasons: Autumnsongs
The Principle	John McCutcheon	Bigger Than Yourself
The Principle	John McCutcheon	Supper's On The Table... Everybody Come In
Walk On	John McCutcheon	Nothing To Lose
Way It's Supposed To Be	John McCutcheon	Nothing To Lose
Whatchagonnabe	John McCutcheon	Bigger Than Yourself
Woman Like You	John McCutcheon	Between The Eclipse
World Series '57	John McCutcheon	John McCutcheon's Four Seasons: Autumnsongs
Write It Down	John McCutcheon	Bigger Than Yourself

79. Plaintiff Laurence Weiss, Individually and d/b/a Rhinestone Cowboy Music Co. (hereinafter "Weiss") is the sole legal or beneficial owner of the following musical work(s) (Copyright Registration No. following title):

- i. "Your Baby Doesn't Love You Anymore" - EU 881000

80. Weiss is the exclusive holder of all rights granted by 17 U.S.C. § 106 in and to the musical work referenced in Paragraph 79 hereof.

81.The musical work referenced in Paragraph 79 hereof has been registered with the United States Copyright Office.

82.Upon information and belief, without Weiss’ authorization or permission, Yahoo! has copied, displayed, performed and distributed to the public, via its “On-Demand Streams” and “Limited Downloads” through the Yahoo! Music Service referenced above, the following sound recordings (as listed on the Yahoo! Music Service) embodying Weiss’ copyrighted musical work referenced in Paragraph 79 hereof:

<u>Track</u>	<u>Artist</u>	<u>Album</u>
Your Baby Doesn’t Love You Anymore	The Carpenters	Carpenters Gold: 35th Anniversary Edition
Your Baby Doesn’t Love You Anymore	The Carpenters	Voice Of The Heart

83.Upon information and belief, without Weiss’ authorization or permission, RealNetworks has copied, displayed, performed and distributed to the public, via its “On-Demand Streams” and “Limited Downloads” through the Rhapsody Music Service referenced above, the following sound recordings (as listed on the Rhapsody Music Service) embodying Weiss’ copyrighted musical work referenced in Paragraph 79 hereof:

<u>Track</u>	<u>Artist</u>	<u>Album</u>
Your Baby Doesn’t Love You Anymore	The Carpenters	Gold: 35th Anniversary Edition

Your Baby Doesn't Love You Anymore	The Carpenters	Voice Of The Heart
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84. Upon information and belief, without Weiss' authorization or permission, Microsoft has copied, displayed, performed and distributed to the public, via its "On-Demand Streams" and "Limited Downloads" through the Zune Music Service referenced above, the following sound recordings (as listed on the Zune Music service) embodying Weiss' copyrighted musical work referenced in Paragraph 79 hereof:

<u>Track</u>	<u>Artist</u>	<u>Album</u>
Your Baby Doesn't Love You Anymore	The Carpenters	Carpenters Gold: 35th Anniversary Edition
Your Baby Doesn't Love You Anymore	The Carpenters	Voice Of The Heart

85. Plaintiff John McCutcheon, Individually and d/b/a Appalsongs and Appalseed Productions (hereinafter "McCutcheon") is the sole legal or beneficial owner of the following musical work(s) (Copyright Registration No. following title):

- i. "Ask Any Farmer" – PA 563-100
- ii. "Awful Hilly Daddy - Willie Trip" – PAu 1-232-993/PA 360-712
- iii. "Black Sea" PA 563-198
- iv. "Calling All The Children Home" PA 563-198

- v. "Caught In The Crossfire" PA 360-712/PAu 1-232-993
- vi. "Christmas In The Trenches" PAu 656-099
- vii. "Claudette Colvin Goes to Work" PA 1-344-765
- viii. "Closing The Bookstore" PA 1-316-523
- ix. "Copper River Bounce" PA 563-198
- x. "Cup Of Coffee" PA 563-100
- xi. "Dad's Got That Look" PA 1-060-499
- xii. "Dead Man Walking" PA 1-316-520
- xiii. "Dearest Martha" PA 360-712/PAu 1-232-993
- xiv. "Each Season It's The Same" PA 1-100-861
- xv. "Good Ol' Girls" PA 1-344-752
- xvi. "Grounded" PA 1-060-492
- xvii. "Half A World Away" PA 1-100-861
- xviii. "Happy Adoption Day" PA 1-060-499
- xix. "Here On The Islands" PA 1-100-861
- xx. "High Hearts" PA 563-198
- xxi. "Hours After" PA 563-198
- xxii. "If I Were A Featherbed" PAu 656-099
- xxiii. "Immigrant" PA 1-060-492

xxiv. “Is My Family”	PA 1-060-499
xxv. “It's the Economy, Stupid”	PA 1-130-196
xxvi. “Jericho”	PA 1-316-523
xxvii. “Kindergarten Wall”	PAu 1-232-993
xxviii. “Know When To Move”	PA 563-100
xxix. “La Mujer de Don Miguel”	PA 1-344-755
xxx. “Lament”	PAu 657-285
xxxi. “Lefty's Bar Tonight”	PA 1-100-861
xxxii. “Let's Keep It Straight”	PA 1-060-492
xxxiii. “Leviathan”	PA 563-100
xxxiv. “Little White Star”	PA 1-060-499
xxxv. “Long Way Back To Georgia”	PAu 657-285
xxxvi. “Mending Fences”	PA 1-100-861
xxxvii. “Molly And The Whale”	PA 235-756
xxxviii. “Music In Your Hands”	PAu 657-285/PA 360-712
xxxix. “No Mas!”	PAu 657-285
xl. “No Turning Back Now”	PA 563-100
xli. “Ode to Common Things”	PA 1-344-752
xlii. “Old Brown's Head Light”	PA 563-198

xlili. “Old Coat”	PA 1-100-861
xliv. “One Man's Trash”	PA 563-100
xliv. “One Strong Arm”	PAu 657-285
xlvi. “One Thin Swimsuit”	PAu 657-285
xlvi. “Our Flag Was Still There”	PA 1-060-497
xlvi. “Own Backyard”	PA 1-060-492
xlix. “Phobias”	PA 1-060-499
1. “Road to Bangor”	PA 1-060-492
li. “Robbing Peter To Pay Paul”	PA 360-712/PAu 1-232-993
lii. “Room At The Top Of The Stair”	PA 1-060-492
liii. “Room Here For Another”	PA 563-100
liv. “Sail Away”	PA 1-344-752
lv. “Same Small Town”	PA 1-100-861
lvi. “Santiago”	PA 360-712/PAu 1-232-993
lvii. “She”	PA 1-100-861
lviii. “Si Se Puede”	PA 1-060-492
lix. “Starlight”	PA 1-316-520
lx. “Stone By Stone”	PA 563-100
lxi. “The Farmer Is The Woman”	PA 360-712/PAu 1-232-993

lxii.	“The Heaven's Wake”	PA 1-060-492
lxiii.	“The Perseid”	PA 1-060-492
lxiv.	“The Pumpkin Man”	PA 360-712/PAu 1-232-993
lxv.	“The Red Corvette”	PA 1-060-492
lxvi.	“The Silver Run”	PAu 657-285
lxvii.	“The Young Ones Don't Remember”	PA 360-712/PAu 1-232-993
lxviii.	“This Time Of Year”	PA 563-100
lxix.	“Traveling In The Wilderness”	PA 1-060-499
lxx.	“Water From Another Time”	PAu 657-285
lxxi.	“Watermelon”	PA 1-060-499
lxxii.	“We Shall Rise”	PA 1-100-861
lxxiii.	“What It's Like”	PA 563-100
lxxiv.	“Where Were You When”	PA 563-198
lxxv.	“Who'll Rock The Cradle”	PA 1-060-492
lxxvi.	“Willie's Waltz”	PAu 656-099
lxxvii.	“Wish You Goodnight”	PA 1-100-861
lxxviii.	“Yesterday's Fools”	PA 563-198

86.McCutcheon is the exclusive holder of all rights granted by 17 U.S.C.

§ 106 in and to the musical works referenced in Paragraph 85 hereof.

87.The musical works referenced in Paragraph 85 hereof have been registered with the United States Copyright Office.

88.Upon information and belief, without McCutcheon's authorization or permission, Yahoo! has copied, displayed, performed and distributed to the public, via its "On-Demand Streams" and "Limited Downloads" through the Yahoo! Music Service referenced above, the following sound recordings (as listed on the Yahoo! Music Service) embodying McCutcheon's copyrighted musical work referenced in Paragraph 85 hereof:

<u>Track</u>	<u>Artist</u>	<u>Album</u>
Ask Any Farmer	John McCutcheon	What's It Like
Awful Hilly Daddy- Willie Trip	John McCutcheon	Mail Myself To You
Black Sea	John McCutcheon	Live At Wolf Trap
Calling All The Children Home	John McCutcheon	Live At Wolf Trap
Calling All The Children Home	John McCutcheon	Supper's On The Table...
Caught In The Crossfire	John McCutcheon	Gonna Rise Again
Caught In The Crossfire	John McCutcheon	Water From Another Time
Christmas In The Trenches	George Hamilton IV	The Light Of The World

Christmas In The Trenches	John McCutcheon	Live At Wolf Trap
Christmas In The Trenches	John McCutcheon	Must Be Santa! The Rounder Christmas Album
Christmas In The Trenches	John McCutcheon	Water From Another Time
Christmas In The Trenches	John McCutcheon	Winter Solstice
Christmas In The Trenches	John McDermott	A Time To Remember
Christmas In The Trenches	John McDermott	Remembrance
Christmas In The Trenches	Robbie O'Connell	A Christmas Celtic Sojourn, Live
Closing The Bookstore	John McCutcheon	Supper's On The Table...
Closing The Bookstore	John McCutcheon	Storied Ground
Copper River Bounce/ Money Musk	John McCutcheon	Live At Wolf Trap
Cup Of Coffee	John McCutcheon	What's It Like
Dad's Got That Look	John McCutcheon	Family Garden
Dead Man Walking	John McCutcheon	Supper's On The Table...
Dead Man Walking	John McCutcheon	Doing Our Job
Dearest Martha	John McCutcheon	Gonna Rise Again

Each Season It's the Same	John McCutcheon	Nothing to Lose
Feather Bed	Carawan Family	Home Brew: At Home In Tennessee
Featherbed	John McCutcheon	Water From Another Time
Grounded	John McCutcheon	Four Seasons: Springsongs...
Half A World Away	John McCutcheon	Between The Eclipse
Happy Adoption Day	John McCutcheon	Family Garden
Happy Adoption Day	John McCutcheon	Supper's On The Table...
Heaven's Wake	John McCutcheon	Sprout Wings And Fly
Here On the Islands	John McCutcheon	Nothing to Lose
High Hearts	John McCutcheon	Live At Wolf Trap
Hours After/Lonesome John/Reel A Bouche/Leather Britches	John McCutcheon	Live At Wolf Trap
If I Were A Featherbed	John McCutcheon	The Wind That Shakes The Barley
If I Were A Featherbed	John McCutcheon	Signs Of The Times
Immigrant	John McCutcheon	Supper's On The Table...
Is My Family	John McCutcheon	Family Garden
Jericho	John McCutcheon	Supper's On The Table...
Jericho	John McCutcheon	Storied Ground

Kindergarten Wall	John McCutcheon	Mail Myself To You
Kindergarten Wall	John McCutcheon	Water From Another Time
Know When To Move	John McCutcheon	What's It Like
Lament	John McCutcheon	Signs Of The Times
Lefty's Bar Tonight	John McCutcheon	Nothing To Lose
Let's Keep It Straight	John McCutcheon	Signs Of The Times
Leviathan	John McCutcheon	What's It Like
Leviathan	John McCutcheon	Supper's On The Table...
Little White Star	John McCutcheon	Family Garden
Long Way Back To Georgia	John McCutcheon	Gonna Rise Again
Mending Fences	John McCutcheon	Supper's On The Table...
Mending Fences	John McCutcheon	Between The Eclipse
Meteors/The Perseid	John McCutcheon	John McCutcheon's Four Seasons: Summersongs
Meteors/The Perseid	John McCutcheon	Supper's On The Table...
Molly And The Whale/ Rubber Blubber Whale	John McCutcheon	Howjadoo
Music In Your Hands	John McCutcheon	Signs Of The Times
No Mas	John McCutcheon	Signs Of The Times
No Mas!	John McCutcheon	Water From Another Time

No Turning Back Now	John McCutcheon	What's It Like
Old Brown's Head Light	John McCutcheon	Live At Wolf Trap
Old Coat	John McCutcheon	Between The Eclipse
One Man's Trash	John McCutcheon	What's It Like
One Strong Arm	John McCutcheon	Water From Another Time
One Strong Arm	John McCutcheon	Signs Of The Times
One Thin Swimsuit	John McCutcheon	Signs Of The Times
Own Backyard	John McCutcheon	John McCutcheon's Four Seasons: Summersongs
Phobias	John McCutcheon	Family Garden
Pumpkin Man	John McCutcheon	John McCutcheon's Four Seasons: Autumnsongs
Road To Bangor/ Morrison's	John McCutcheon	Sprout Wings And Fly
Robbing Peter To Pay Paul	John McCutcheon	Step By Step
Room At The Top Of The Stair	John McCutcheon	Supper's On The Table...
Room Here For Another	John McCutcheon	What's It Like
Room Here For Another	John McCutcheon	The Homeless Project
Room Here For Another - John McCutcheon	Various Artists	Silverwolf Homeless Project

Same Small Town	John McCutcheon	Between The Eclipse
Santiago	John McCutcheon	Step By Step
She	John McCutcheon	Between The Eclipse
Si Se Puede	John McCutcheon	John McCutcheon's Four Seasons: Autumnsongs
Starlight	John McCutcheon	Supper's On The Table...
Starlight	John McCutcheon	Doing Our Job
Stone By Stone	John McCutcheon	What's It Like
The Farmer Is The Woman	John McCutcheon	Gonna Rise Again
The Red Corvette	John McCutcheon	Water From Another Time
The Young Ones Don't Remember	John McCutcheon	Gonna Rise Again
This Time Of Year	John McCutcheon	What's It Like
Traveling In The Wilderness	John McCutcheon	Family Garden
Water From Another Time	John McCutcheon	Gonna Rise Again
Water From Another Time	John McCutcheon	Water From Another Time
Watermelon	John McCutcheon	Family Garden
We Shall Rise	John McCutcheon	Between The Eclipse

Welcome To The World / Willie's Waltz	John McCutcheon	Signs Of The Times
What It's Like	John McCutcheon	What's It Like
Where Were You When	John McCutcheon	Live At Wolf Trap
Who'll Rock The Cradle	John McCutcheon	Supper's On The Table...
Who'll Rock The Cradle	John McCutcheon	Sprout Wings And Fly
Willie's Waltz	John McCutcheon	Winter Solstice
Wish You Goodnight	John McCutcheon	Nothing To Lose
Yesterday's Fools	John McCutcheon	Live At Wolf Trap
Yesterday's Fools John McCutcheon	Various Artists	Raise the Roof- A Retrospective: Live from The Barns at Wolf Trap

89. Upon information and belief, without McCutcheon's authorization or permission, RealNetworks has copied, displayed, performed and distributed to the public, via its "On-Demand Streams" and "Limited Downloads" through the Rhapsody Music Service referenced above, the following sound recordings (as listed on the Rhapsody Music Service) embodying McCutcheon's copyrighted musical work referenced in Paragraph 85 hereof:

<u>Track</u>	<u>Artist</u>	<u>Album</u>
Ask Any Farmer	John McCutcheon	What's It Like
Black Sea	John McCutcheon	Live At Wolf Trap

Black Sea	John McCutcheon	Stand Up! Broad­sides For Our Times
Calling All The Children Home	John McCutcheon	Live At Wolf Trap
Calling All The Children Home	John McCutcheon	Supper's On The Table... Everybody Come In
Caught In The Crossfire	John McCutcheon	Gonna Rise Again
Caught In The Crossfire	John McCutcheon	Water From Another Time
Christmas In The Trenches	Darryl Purpose	The Gift of the Magi (and other seasonal stories)
Christmas In The Trenches	Galipeau, Ken	Collection
Christmas In The Trenches	George Hamilton IV	The Light Of The World – Christmas Keepsakes
Christmas In The Trenches	Various Artists	Fast Folk Musical Magazine (Vol. 3, No. 8) Season's Greet...
Christmas In The Trenches	John McCutcheon	Live At Wolf Trap
Christmas In The Trenches	John McCutcheon	Water From Another Time
Christmas In The Trenches	John McCutcheon	Winter Solstice
Christmas In The Trenches	John McDermott	A Time to Remember

Christmas In The Trenches	John McDermott	Remembrance
Christmas In The Trenches	Kith & Kin	Winter Measures
Christmas In The Trenches	Molasses Creek	Deepwater
Christmas In The Trenches	Will Hoppey	Ekoostik
Christmas In The Trenches – (bonus track)	Will Hoppey	Acoustic
Christmas In The Trenches/Silent Night	Coyote Run	Tend the Fire
Claudette Colvin Goes to Work	John McCutcheon	Mightier Than The Sword
Closing The Bookstore	John McCutcheon	Supper's On The Table... Everybody Come In
Closing The Bookstore	John McCutcheon	Storied Ground
Copper River Bounce / Money Musk	John McCutcheon	Live At Wolf Trap
Cup Of Coffee	John McCutcheon	What's It Like
Dad's Got That Look	John McCutcheon	Family Garden
Dead Man Walking	John McCutcheon	Supper's On The Table... Everybody Come In

Dead Man Walking	John McCutcheon/ Tom Chapin	Doing Our Job
Dearest Martha	John McCutcheon	Gonna Rise Again
Each Season It's The Same	John McCutcheon	Nothing To Lose
Feather Bed	Carawan Family	Home Brew: At Home in Tennessee
Featherbed	John McCutcheon	Water From Another Time
Good Ol' Girls	John McCutcheon	Mightier Than The Sword
Grounded	John McCutcheon	John McCutcheon's Four Seasons: Springsongs
Half A World Away	John McCutcheon	Between The Eclipse
Happy Adoption Day	John McCutcheon	Family Garden
Happy Adoption Day	John McCutcheon	Supper's On The Table... Everybody Come In
Heaven's Wake	John McCutcheon	Sprout Wings And Fly
Here On The Islands	John McCutcheon	Nothing to Lose
High Hearts	John McCutcheon	Live At Wolf Trap
Hours After, The / Lonsome John / Reel A Bouche / Leather	John McCutcheon	Live At Wolf Trap
If I Were A Featherbed	John McCutcheon	The Wind That Shakes The Barley
If I Were A Featherbed	Thomasina	Holding Back The Night

If I Were A Featherbed	John McCutcheon/ Si Kahn	Signs of the Times
Immigrant	John McCutcheon	Supper's On The Table... Everybody Come In
Is My Family	John McCutcheon	Family Garden
It's the Economy, Stupid	John McCutcheon	Mightier Than The Sword
It's the Economy, Stupid	John McCutcheon	Hail to the Chief! And Other Short Shelf-Life Classics
Jericho	John McCutcheon	Supper's On The Table... Everybody Come In
Jericho	John McCutcheon	Storied Ground
Kindergarten Wall	John McCutcheon	Mah, Myself and You
Kindergarten Wall	John McCutcheon	Water From Another Time
Know When To Move	John McCutcheon	What's It Like
La Mujer de Don Miguel	John McCutcheon	Mightier Than The Sword
Lament	John McCutcheon/ Si Kahn	Signs Of The Times
Lefty's Bar Tonight	John McCutcheon	Nothing To Lose
Let's Keep It Straight	John McCutcheon/ Si Kahn	Signs Of The Times
Let's Keep It Straight	John McCutcheon	Hail to the Chief! And Other Short Shelf-Life Classics

Leviathan	John McCutcheon	What's It Like
Leviathan	John McCutcheon	Supper's On The Table... Everybody Come In
Little White Star	John McCutcheon	Family Garden
Little White Star	Hey Mom!	Singing On A Star
Long Way Back To Georgia	John McCutcheon	Gonna Rise Again
Mending Fences	John McCutcheon	Supper's On The Table... Everybody Come In
Mending Fences	John McCutcheon	Between The Eclipse
Molly And The Whale Rubber Blubber Whale	John McCutcheon	Howjadoo
Music In Your Hands	John McCutcheon/ Si Kahn	Signs Of The Times
No Mas	John McCutcheon/ Si Kahn	Signs Of The Times
No Mas!	John McCutcheon	Water From Another Time
No Turning Back Now	John McCutcheon	What's It Like
Ode to Common Things	John McCutcheon	Mightier Than The Sword
Old Brown's Head Light	John McCutcheon	Live At Wolf Trap
Old Coat	John McCutcheon	Between The Eclipse
One Man's Trash	John McCutcheon	What's It Like

One Strong Arm	John McCutcheon	Water From Another Time
One Strong Arm	John McCutcheon/ Si Kahn	Signs Of The Times
One Thin Swimsuit	John McCutcheon/ Si Kahn	Signs Of The Times
Our Flag Was Still There	John McCutcheon	Mightier Than The Sword
Own Backyard	John McCutcheon	Summersongs
Phobias	John McCutcheon	Family Garden
Pumpkin Man	John McCutcheon	John McCutcheon's Four Seasons: Autumnsongs
Road To Bangor / Morrison's	John McCutcheon	Sprout Wings And Fly
Robbing Peter to Pay Paul	John McCutcheon	Step By Step
Room At The Top Of The Stair	John McCutcheon	Supper's On The Table... Everybody Come In
Room Here For Another	John McCutcheon	What's It Like
Room Here For Another	John McCutcheon	The Silverwolf Homeless Project
Sail Away	John McCutcheon	Mightier Than The Sword
Same Small Town	John McCutcheon	Between The Eclipse
Santiago	John McCutcheon	Step By Step
She	John McCutcheon	Between The Eclipse

Si Se Puede	John McCutcheon	John McCutcheon's Four Seasons: Autumnsongs
Starlight	John McCutcheon	Supper's On The Table... Everybody Come In
Starlight	John McCutcheon/ Tom Chapin	Doing Our Job
Stone By Stone	John McCutcheon	What's It Like
The Awful Hilly Daddy-Willy Trip	John McCutcheon	Mah, Myself and You
The Farmer Is The Woman	John McCutcheon	Gonna Rise Again
The Meteors / Perseid	John McCutcheon	Supper's On The Table... Everybody Come In
The Meteors / Perseid	John McCutcheon	Summersongs
The Red Corvette	John McCutcheon	Water From Another Time
The Siler Run	John McCutcheon	What's It Like
The Young Ones Don't Remember	John McCutcheon	Gonna Rise Again
This Time Of Year	John McCutcheon	What's It Like
Traveling In The Wilderness	John McCutcheon	Family Garden
Water From Another Time	John McCutcheon	Gonna Rise Again

Water From Another Time	John McCutcheon	Water From Another Time
Water From Another Time	The Rite of Spring	Strangers To Comrades
Watermelon	John McCutcheon	Family Garden
We Shall Rise	John McCutcheon	Between The Eclipse
Welcome To The World / Willie's Waltz	John McCutcheon/ Si Kahn	Signs Of The Times
What It's Like	John McCutcheon	What's It Like
Where Were You When	John McCutcheon	Live At Wolf Trap
Who'll Rock The Cradle	John McCutcheon	Supper's On The Table... Everybody Come In
Who'll Rock The Cradle	John McCutcheon	Sprout Wings And Fly
Willie's Waltz	John McCutcheon	Winter Solstice
Wish You Goodnight	John McCutcheon	Nothing To Lose
Yesterday's Fools	John McCutcheon	Live At Wolf Trap
Yesterday's Fools - John McCutcheon	John McCutcheon	Raise the Roof - A Retrospective: Live from The Barns at ...

90. Upon information and belief, without McCutcheon's authorization or permission, Microsoft has copied, displayed, performed and distributed to the public, via its "On-Demand Streams" and "Limited Downloads" through the Zune Music Service referenced above, the following sound recordings (as listed on the Zune Music

service) embodying McCutcheon's copyrighted musical work referenced in Paragraph 85 hereof:

<u>Track</u>	<u>Artist</u>	<u>Album</u>
Ask Any Farmer	John McCutcheon	What It's Like
Black Sea	John McCutcheon	Live At Wolf Trap
Calling All The Children Home	John McCutcheon	Live At Wolf Trap
Calling All The Children Home	John McCutcheon	Supper's On The Table... Everybody Come In
Caught In The Crossfire	John McCutcheon	Gonna Rise Again
Caught In The Crossfire	John McCutcheon	Water From Another Time: A Retrospective
Christmas In The Trenches	George Hamilton IV	The Light of the World
Christmas In The Trenches	John McCutcheon	Live At Wolf Trap
Christmas In The Trenches	John McCutcheon	Must Be Santa! The Rounder Christmas Album
Christmas In The Trenches	John McCutcheon	Water From Another Time: A Retrospective
Christmas In The Trenches	John McCutcheon	Winter Solstice
Christmas In The Trenches	John McDermott	A Time to Remember

Christmas In The Trenches	John McDermott	Remembrance
Christmas In The Trenches	Robbie O'Connell	A Christmas Celtic Sojourn, Live
Closing The Bookstore	John McCutcheon	Supper's On The Table... Everybody Come In
Closing The Bookstore	John McCutcheon	Storied Ground
Copper River Bounce/ Money Musk	John McCutcheon	Live At Wolf Trap
Cup Of Coffee	John McCutcheon	What It's Like
Dad's Got That Look	John McCutcheon	Family Garden
Dead Man Walking	John McCutcheon	Supper's On The Table... Everybody Come In
Dead Man Walking	John McCutcheon	Doing Our Job
Dearest Martha	John McCutcheon	Gonna Rise Again
Each Season It's The Same	John McCutcheon	Nothing To Lose
Feather Bed	Carawan Family	Home Brew: At Home in Tennessee
Featherbed	John McCutcheon	Water From Another Time: A Retrospective
Grounded	John McCutcheon	John McCutcheon's Four Seasons: Singsongs
Half A World Away	John McCutcheon	Between The Eclipse

Happy Adoption Day	John McCutcheon	Family Garden
Happy Adoption Day	John McCutcheon	Supper's On The Table... Everybody Come In
Heaven's Wake	John McCutcheon	Sprout Wings And Fly
Here On the Islands	John McCutcheon	Nothing To Lose
High Hearts	John McCutcheon	Live At Wolf Trap
If I Were A Featherbed	John McCutcheon	The Wind That Shakes The Barley
If I Were A Featherbed	John McCutcheon	Sings Of The Times
Immigrant	John McCutcheon	Supper's On The Table... Everybody Come In
Is My Family	John McCutcheon	Family Garden
Jericho	John McCutcheon	Supper's On The Table... Everybody Come In
Kindergarten Wall	John McCutcheon	Mail Myself To You
Kindergarten Wall	John McCutcheon	Water From Another Time: A Retrospective
Know When To Move	John McCutcheon	What It's Like
Lament	John McCutcheon	Sings Of The Times
Lefty's Bar Tonight	John McCutcheon	Nothing to Lose
Let's Keep It Straight	John McCutcheon	Sings Of The Times
Leviathan	John McCutcheon	What It's Like

Leviathan	John McCutcheon	Supper's On The Table... Everybody Come In
Little White Star	John McCutcheon	Family Garden
Long Way Back To Georgia	John McCutcheon	Gonna Rise Again
Mending Fences	John McCutcheon	Supper's On The Table... Everybody Come In
Mending Fences	John McCutcheon	Between The Eclipse
Meteors/The Perseid	John McCutcheon	Supper's On The Table... Everybody Come In
Meteors/The Perseid	John McCutcheon	John McCutcheon's Four Seasons: Summersongs
Molly And The Whale/ Rubber Blubber Whale	John McCutcheon	Howjadoo
Music In Your Hands	John McCutcheon	Sings Of The Times
No Mas	John McCutcheon	Sings Of The Times
No Mas!	John McCutcheon	Water From Another Time: A Retrospective
No Turning Back Now	John McCutcheon	What It's Like
Old Brown's Head Light	John McCutcheon	Live At Wolf Trap
Old Coat	John McCutcheon	Between The Eclipse
One Man's Trash	John McCutcheon	What It's Like

One Strong Arm	John McCutcheon	Water From Another Time: A Retrospective
One Strong Arm	John McCutcheon	Sings Of The Times
One Thin Swimsuit	John McCutcheon	Sings Of The Times
Own Backyard	John McCutcheon	John McCutcheon's Four Seasons: Summersongs
Phobias	John McCutcheon	Family Garden
Pumpkin Man	John McCutcheon	John McCutcheon's Four Seasons: Autumnsongs
Road To Bangor/ Morrison's	John McCutcheon	Sprout Wings And Fly
Robbing Peter To Pay Paul	John McCutcheon	Step By Step
Room At The Top Of The Stair	John McCutcheon	Supper's On The Table... Everybody Come In
Room Here For Another	John McCutcheon	What It's Like
Room Here For Another	John McCutcheon	The Silverwolf Homeless Project
Same Small Town	John McCutcheon	Between The Eclipse
Santiago	John McCutcheon	Step By Step
She	John McCutcheon	Between The Eclipse
Si Se Puede	John McCutcheon	John McCutcheon's Four Seasons: Autumnsongs

Starlight	John McCutcheon	Supper's On The Table... Everybody Come In
Stone By Stone	John McCutcheon	What It's Like
The Awful Hilly Daddy-Willy Trip	John McCutcheon	Mail Myself To You
The Farmer Is The Woman	John McCutcheon	Gonna Rise Again
The Hours After/ Lonesome John/Reel A Bouche/Leather Britches	John McCutcheon	Live At Wolf Trap
The Red Corvette	John McCutcheon	Water From Another Time
The Silver Run	John McCutcheon	What It's Like
The Young Ones Don't Remember	John McCutcheon	Gonna Rise Again
This Time Of Year	John McCutcheon	What It's Like
Traveling In The Wilderness	John McCutcheon	Family Garden
Water From Another Time	John McCutcheon	Gonna Rise Again
Water From Another Time	John McCutcheon	Water From Another Time: A Retrospective
Watermelon	John McCutcheon	Family Garden
We Shall Rise	John McCutcheon	Between The Eclipse

Welcome To The World/Willie's Waltz	John McCutcheon	Sings Of The Times
What It's Like	John McCutcheon	What It's Like
Where Were You When	John McCutcheon	Live At Wolf Trap
Who'll Rock The Cradle	John McCutcheon	Supper's On The Table... Everybody Come In
Who'll Rock The Cradle	John McCutcheon	Sprout Wings And Fly
Willie's Waltz	John McCutcheon	Winter Solstice
Wish You Goodnight	John McCutcheon	Nothing To Lose
Yesterday's Fools	John McCutcheon	Live At Wolf Trap
Yesterday's Fools	John McCutcheon	Raise the Roof- A Retrospective: Live from The Barns at Wolf Trap

91.Plaintiff Dyyor, Inc., d/b/a Seven Centers Publishing (hereinafter “Dyyor”) is the sole legal or beneficial owner of the following musical work(s) (Copyright Registration No. following title):

- i. “Sunburst” – PA 313-957

92.Dyyor is the exclusive holder of all rights granted by 17 U.S.C. § 106 in and to the musical work referenced in Paragraph 91 hereof.

93.The musical work referenced in Paragraph 91 hereof has been registered with the United States Copyright Office.

94. Upon information and belief, without Dyyor's authorization or permission, Yahoo! has copied, displayed, performed and distributed to the public, via its "On-Demand Streams" and "Limited Downloads" through the Yahoo! Music Service referenced above, the following sound recordings (as listed on the Yahoo! Music Service) embodying Dyyor's copyrighted musical work referenced in Paragraph 91 hereof:

<u>Track</u>	<u>Artist</u>	<u>Album</u>
Sunburst	Montana Skies	Montana Skies

95. Upon information and belief, without Dyyor's authorization or permission, RealNetworks has copied, displayed, performed and distributed to the public, via its "On-Demand Streams" and "Limited Downloads" through the Rhapsody Music Service referenced above, the following sound recordings (as listed on the Rhapsody Music Service) embodying Dyyor's copyrighted musical work referenced in Paragraph 91 hereof:

<u>Track</u>	<u>Artist</u>	<u>Album</u>
Sunburst	John Goulart	Toward The Millennium
Sunburst	Sean Kelly	The #1 Classical Guitar Album
Sunburst (Andrew York)	Jonathan Adams	Guitarist: music for classical guitar
Sunburst	Carlos Bendfeldt	Miriam
Sunburst	Michael Boyd	Recuerdos De La Guitana

Sunburst	Michael Isla	Acoustica
Sunburst	Sean Michael Currier	A Night Like This, Live In Nashville

96. Upon information and belief, without Dyyor's authorization or permission, Microsoft has copied, displayed, performed and distributed to the public, via its "On-Demand Streams" and "Limited Downloads" through the Zune Music Service referenced above, the following sound recordings (as listed on the Zune Music service) embodying Dyyor's copyrighted musical work referenced in Paragraph 91 hereof:

<u>Track</u>	<u>Artist</u>	<u>Album</u>
Sunburst	Montana Skies	Montana Skies: Cello & Guitar

97. Plaintiff David Hoffner, Individually and d/b/a Fields of Autumn Publishing (hereinafter "Hoffner") is the sole legal or beneficial owner of the following musical work(s) (Copyright Registration No. following title):

- i. "Narrative of the Making of the LP" – PA 1-284-676

98. Hoffner is the exclusive holder of all rights granted by 17 U.S.C. § 106 in and to the musical work referenced in Paragraph 97 hereof.

99. The musical work referenced in Paragraph 97 hereof has been registered with the United States Copyright Office.

100. Upon information and belief, without Hoffner's authorization or permission, RealNetworks has copied, displayed, performed and distributed to the public, via its "On-Demand Streams" and "Limited Downloads" through the Rhapsody Music Service referenced above, the following sound recordings (as listed on the Rhapsody Music Service) embodying Hoffner's copyrighted musical work referenced in Paragraph 97 hereof:

<u>Track</u>	<u>Artist</u>	<u>Album</u>
Untitled	Kongar-ol Ondar	Back Tuva Future: The Adventure Continues

101. Defendants did not seek nor obtain permission or authorization from Plaintiffs prior to copying Plaintiffs' copyrighted works onto Defendants' computer server(s) and making said works available on Defendants' music services.

102. Defendants continue to copy and make available additional sound recordings of Plaintiffs' copyrighted works via Defendants' music services, without Plaintiffs' authorization or permission, thereby further infringing Plaintiffs' exclusive rights.

103. Defendants had knowledge at the time they made all unauthorized copies of Plaintiffs' copyrighted works that Defendants were required to obtain authorization via a license from Plaintiffs prior to any use of Plaintiffs' copyrighted works.

104. Defendants have made the recordings embodying Plaintiffs' copyrighted works available to the general public for "Limited Downloads" and "On-Demand Streams" without any compensation to Plaintiffs.

E. CAUSES OF ACTION

FIRST JOINT CAUSE OF ACTION (Copyright Infringement)

105. Plaintiffs hereby adopt, reallege and incorporate by reference the allegations contained in Paragraphs 1 through 104 above.

106. Each instance whereby a sound recording embodying a copyrighted work owned by Plaintiffs was reproduced in copies onto Defendants' computer server(s) for use on Defendants' music services constitutes a separate act of copyright infringement and a separate violation of 17 U.S.C. 101, *et seq.*

107. Each of Defendants' acts of copyright infringement referenced herein was willful within the meaning of 17 U.S.C. 101, *et seq.*

108. Plaintiffs have suffered economic damage and irreparable harm as a result of Defendants' continuing acts of infringement.

**SECOND JOINT CAUSE OF ACTION
(Copyright Infringement)**

109. Plaintiffs hereby adopt, reallege and incorporate by reference the allegations contained in Paragraphs 1 through 104 above.

110. Each instance whereby a sound recording embodying a copyrighted work owned by Plaintiffs was displayed publicly on Defendants' music services constitutes a separate act of copyright infringement and a separate violation of 17 U.S.C. 101, *et seq.*

111. Each of Defendants' acts of infringement referenced herein was willful within the meaning of 17 U.S.C. 101, *et seq.*

112. Plaintiffs have suffered economic damage and irreparable harm as a result of Defendant's continuing acts of infringement.

**THIRD JOINT CAUSE OF ACTION
(Copyright Infringement)**

113. Plaintiffs hereby adopt, reallege and incorporate by reference the allegations contained in Paragraphs 1 through 104 above.

114. Each instance whereby a sound recording embodying a copyrighted work owned by Plaintiffs was distributed to the public via "Limited Downloads" from Defendants' music services constitutes a separate act of copyright infringement and a separate violation of 17 U.S.C. 101, *et seq.*

115. Each of Defendants' acts of infringement referenced herein was willful within the meaning of 17 U.S.C. 101, *et seq.*

116. Plaintiffs have suffered economic damage and irreparable harm as a result of Defendant's continuing acts of infringement.

**FOURTH JOINT CAUSE OF ACTION
(Copyright Infringement)**

117. Plaintiffs hereby adopt, reallege and incorporate by reference the allegations contained in Paragraphs 1 through 104 above.

118. Each instance whereby a sound recording embodying a copyrighted work owned by Plaintiffs was distributed to the public and/or performed publicly via "On-Demand Streams" from Defendants' music services constitutes a separate act of copyright infringement and a separate violation of 17 U.S.C. 101, *et seq.*

119. Each of Defendants' acts of infringement referenced herein was willful within the meaning of 17 U.S.C. 101, *et seq.*

120. Plaintiffs have suffered economic damage and irreparable harm as a result of Defendant's continuing acts of infringement.

F. PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully pray for judgment against the Defendants for:

1. Copyright infringement for each instance whereby a sound recording embodying a copyrighted work owned by Plaintiffs was reproduced in copies onto Defendants' computer server(s) for use on Defendants' music services;

2. Copyright infringement for each instance whereby a sound recording embodying a copyrighted work owned by Plaintiffs was displayed publicly on Defendants' music services;

3. Copyright infringement for each instance whereby a sound recording embodying a copyrighted work owned by Plaintiffs was distributed to the public via "Limited Downloads" from Defendants' music services;

4. Copyright infringement for each instance whereby a sound recording embodying a copyrighted work owned by Plaintiffs was distributed to the public and/or performed publicly via "On-Demand Streams" from Defendants' music services;

5. Willful copyright infringement for each of the aforementioned acts of copyright infringement referenced herein.

6. An Order requiring Defendants to remove all infringing copies of

Plaintiffs' copyrighted works from Defendants' computer server(s) and Defendants' music services;

7. An Order requiring Defendants to deliver up for destruction all infringing materials, including all computers, discs, drives or other storage media, that contain infringing copies of Plaintiffs' copyrighted works;

8. An award to Plaintiffs, at their election, of either (i) actual damages and profits derived by Defendants as a result of their infringing activities, pursuant to 17 U.S.C. § 504(b), or (ii) statutory damages in the maximum amount of \$150,000 per each act of infringement of Plaintiffs' copyrighted works, pursuant to 17 U.S.C. § 504(c);

9. An injunction permanently enjoining Defendants and their respective agents, employees, officers and directors, successors, licensees and assigns from further infringement of Plaintiffs' copyrighted works;

10. Discretionary costs;

11. Reasonable attorney fees and costs;

12. For such other and further relief as this Court deems appropriate.

13. Plaintiff demands a jury.

Respectfully Submitted,

GRAUBERGER, PIERCE & GREEN, PLLC

/s/ Stephen E. Grauberger

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to:

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and by U.S. mail, postage pre-paid to:

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with a courtesy copy via electronic mail to:

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This the 5th day of August, 2009.

/s/ Stephen E. Grauberger

Stephen E. Grauberger